

in English was recovered from one of the table drawers bearing name "Ashutosh Lahiry", General Secreatry, All India Hindu Mahasabha. It was the statement of that person in regard to the fast of Mahatma Gandhi. In that statement, Lahiry denied that they could ever be a party to the implementation of the 7-point programme put forward by Mahatma Gandhi, and that they were opposed to the basic policy of Mahatma Gandhi and his followers in regard to the treatment meted out to Muslim minorities in India. It added that, having regard to what was happening in Sind and the cold-blooded massacre of 2000 refugees at the Gujrat (Punjab) Railway Station and numerous instances of what the League leaders had been saying, it was a "most disastrous policy" for the leaders of Indian Government to give effect to the 7-point programme of Gandhiji.

23.19 From this recovery the police suspected a Hindu Mahasabha connection with the bomb throwing.

23.20 After that the diary contains the statements of Ramchandar and Pacheco.

23.21 The police then went to the Hindu Mahasaba Bhawan. It was adjacent to Birla Mandir. Room No. 3 was searched but nothing incriminating was found. And nothing further was done because it was mid-night.

23.22 The entry at 12 mid-night is that the investigation was going on under the supervision of superior officers.

23.23 The diary was closed. But it appears it was sent to the S. P. on the 24th January, 1948.

23.24 Sub-Inspector Behari Lal had been sent to search for car No. DLH 9435. The traffic staff had also been alerted in order to arrest the culprits. It was at this state that the police also added sections 307 and 120B I.P.C. to the list of offences. It mentions that under the orders of the superior officers, further interrogation of Madanlal would be conducted by officers of the C.I.D.

23.25 The diary then contains the statements of the various witnesses who were examined on that night, including those who saw the bomb being exploded and took part in the arrest of Madanlal and the search of his person.

23.26 A significant statement is that of Chhotu Ram who was one of the servants of Birla House. He disclosed, among other things, that Madanlal along with 3 others got down from a car. One of them had light black complexion, lean body, long beard and moustache, height about 5'-4" the second had a wheatish complexion, the third also had a wheatish complexion, small eyes, height about 5'-6". They surveyed the prayer ground and returned later at about 5.00 P.M. One of them wearing a Gandhi cap approached the witness and said to him that he wanted to photograph the Mahatma from the trellis (jali) work of the quarter (near ventilator of my quarter) but the witness hesitated as his family was inside. The young man tried his level best to persuade him and even offered him Rs. 20/- as a temptation. He then asked the man to show his camera and also told him that he could take the photograph from the front side, i.e., in the prayer meeting itself. The man got confused and went

back towards his companion near the car. The persons who alighted from the car then had some talk. Thereafter there was an explosion caused by Madanlal.

Case Diary No. 2—

23.27 The second diary is of 21st January and begins at 4 P.M. This is also by Sub-Inspector Dasondha Singh. This diary mainly concerns the car that was used by the culprits, which was green in colour, and Madanlal and 3 others alighted therefrom, one of whom had "large (long) hair and beard, middle sized, light black colour;..... the second had wheatish colour, round face height 5'-3/4"; the third wheatish colour, thin body and small eyes, height 5'-6"...." Madanlal was talking in whispers.

23.28 At 5 P.M. the entry was that a special informer had been put on to trace out the offenders, that it was probable that one of the members of the Birla House might have had a hand in the conspiracy, that Inspector Dayal Singh had obtained remand of Madanlal to police custody and he was lodged in Civil Lines Police Station lock-up and was being interrogated by Inspector Jai Dayal, Inspector Dayal Singh and other officers of the C.I.D. As regards the number of the car, it appeared that the accused had used a fictitious number, in fact the number given was that of a GNIT bus; and the car had not upto then been traced.

Case Diary No. 2-A—

23.29 The next Police diary is 2-A of Inspector Dayal Singh dated 21st January beginning at 10.30 P.M. It mentions that a remand had been asked for because the companions of the accused and the remaining property must be recovered at the pointing out by the accused who was produced before the Special Magistrate, New Delhi, and remand was taken up to February 3, 1948. The significant entry is "the accused was interrogated up to this time, but for contradictory (mukhtalif) statements he disclosed nothing additional, and did not disclose correct information about his accomplices. The accused was instructed accordingly". The diary ends at 6.30 P.M.

Case Diary No. 2-B—

23.30 The other diary of that date is by Deputy Superintendent Jaswant Singh, No. 2-B, and purports to be from Bombay. At mid-day the entry is that he (Jaswant Singh) and Inspector Balkishan of C.I.D. were ordered to go by air to Bombay for investigation. They had been ordered that they should contact Mr. Nagarvala, Deputy Commissioner of Police, and give him all the facts and he would give his full assistance. They were instructed that if it was necessary to go to Poona to contact Mr. Gurtu, Assistant to the Deputy Inspector General (C.I.D.); they could get the assistance of Mr. Nagarvala "who will send his special officer with them". This diary also shows that they left for Bombay by 4 P.M. plane and reached there at 10.30 P.M. and stayed at the Universal National Restaurant and they would meet Mr. Nagarvala the next day. This diary does not show what documents were taken by the Police officers with them, nor whether they had a requisition under S. 54 (ninthly) with them.

Case Diary No. 3—

23.31 Next we have case diary No. 3 dated 22nd January beginning at 10 A.M. and closing at 6 P.M. by District Inspector Dayal Singh. At 10 A.M. the entry is that Inspector Jai Dayal and this officer interrogated Madanlal. But he was giving contradictory statements. Whatever he had stated had been conveyed to the Deputy Superintendent. The accused confessed his guilt and was prepared to point out "about himself and the accomplices on the spot". At 2.10 P.M. the accused was taken to Birla House. At 2.30 P.M. he gave full account of his entry into Birla House and pointed out the places which he and his companions had visited. Sub-Inspector Dasondha Singh pointed out that the accused was giving incorrect statements regarding himself. The accused was then taken to Civil Lines and he was advised to state true facts and not "indulge in incorrect statements".

Case Diary No. 3-A—

23.32 We have then the most important entry in the case diary, No. 3-A, of Deputy Superintendent Jaswant Singh purporting to be from Bombay. This begins on 22nd January at 8 A.M. and closes at 8 P.M. It states that at 9.10 A.M. these officers met Mr. Nagarvala at his house. "He said that he had already been apprised of the full facts of this case and that he had already had a talk with higher authorities of Delhi on phone and that he had posted special officers of the C.I.D. at strategic points. He had made proper arrangements for the tracing of the alleged suspects and had posted men on the railway station.....". Mr. Nagarvala also told them that he did not want them to stay where they were staying because he did not want their arrival to be known to others which would frustrate the arrest of persons and he ordered them to get into *mufti* and meet him at the C.I.D. office. At 10.30 A.M. the entry in the diary is as follows:—

"At this time I along with Inspector reached the office of C.I.D. by taxi and contacted Mr. Nagarvala and again acquainted with full facts of the case and an English note, which incorporates a precis of Madanlal's statement with the note of Superintendent of Police, New Delhi, at its foot, was handed over to Mr. Nagarvala Sahib who read this note carefully and kept it. He returned a written note covering this case, which is attached. Nagarvala Sahib was also acquainted with facts concerning Krakree. It was also brought to his notice that Madanlal accused had stated that he did not know the name of his associates but had said that he was Editor of Hindu Rashtriya or Agrani Newspaper, who was of light black complexion, aged 33/34, height 5'-6". It is not known whether this Editor belongs to Bombay or Poona. Apart from this, he was also acquainted with the descriptions of the three other Maharattas and Maharaj who according to the accused were his companions. Special stress was laid on the immediate apprehension of the Editor of Hindu Rashtriya or Agrani Newspaper, and Krakree of Ahmad Nagar, whose mention was specially made by the accused in his statement; so that they may be interrogated. (ta ke un se daryaft amal men lai jave)".

The relevant portion of this diary in the original Urdu is as follows:—

10½ بجے دن - نمبر 3 - اس وقت معہ انسپکٹر صاحب دفتر پولیس سی - آئی - سی ہوا ری ٹیکسی پہنچے - مسٹر نگروالا صاحب کی خدمت میں پیش ہوئے - جن کو یہو دوبارہ جملہ حالات مقدمہ ہذا بتلائے گئے - ایک یادداشت انگریزی جس میں مختصر بیان مدن لال ملزم انگریزی میں درج ہے - اور اس کے نیچے یادداشت S. P. صاحب نیو دہلی کی درج ہے - جناب نگروالا صاحب کی خدمت میں پیش کی گئی - چلوں نے اس یادداشت کو بذور پڑھا اور اپنے پاس یادداشت رکھی - تحریری نوٹ متعلقہ مقدمہ ہذا واپس دی - جو کہ نف ہذا ہے - جناب نگروالا صاحب کو Karkra کے متعلق تمام حالات واضح دئے گئے اور مزید یہ بھی عرض کیا گیا کہ مدن لال ملزم نے یہ بھی بتلایا تھا کہ ہمراہی ملزمان میر سے ایک ملزم جس کا نام نہیں جانتا - ملحدو راشتریہ یا اگرنی اخبار کا ایڈیٹر تھا - جس کا رنگ سائولہ، عمر 33/34 سال - قد تقریباً 5'6" بیان کرتا تھا - یہ معلوم نہیں کہ وہ ایڈیٹر بمبئی یا پونہ کا ہے - اس کے علاوہ دیگر تین مرہٹہ و راجہ صاحب جو کہ اپنے ہمراہی ملزم بیان کرتا تھا - کے حکمے بتلائے گئے - ایڈیٹر ملحدو راشتریہ یا اگرنی اخبار اور Karkra - ساکن احمدنگر کے متعلق مسٹر نگروالا صاحب کی خدمت میں خاص طور پر زور دیا گیا - کہ ان کا ذکر ملزم کے بیان میں صاف طور پر آ چکا ہے - ان کی گرفتاری کی پہلے کوشش کی جاوے - تاہم ان سے دریافت عمل میں لائی جا سکے -

The point to be noted in regard to this diary is that besides the name of Karkare which was written as "Karkara" the editor of the *Hindu Rashtriya* or the *Agrani* newspaper with his description and of his belonging to Poona was also mentioned as also the description of the 3 other Marathas and Maharaj who, according to Madanlal, were his co-conspirators, and special stress was laid on the immediate apprehension of the editor of the *Hindu Rashtriya* or the *Agrani* and Karkare of Ahmednagar.

23.33 At 11.30 A.M. the entry is that Mr. Nagarvala had said that the conspirators consisted of about 25 persons and that he had posted special staff for apprehending Karkare in Bombay and Poona, that he was tracing other suspects, and that he did not want them to be arrested at the moment because this might affect the arrest of other suspects. He also said that he would accompany them to Ahmednagar on receipt of information which he was awaiting and advised them not to go there alone. He sent for an Inspector and instructed him to make arrangements for the lodging of the to Delhi officers.

that he had booked a call to Ahmednagar as well as to the D.I.G., C. I. D., Poona, and that he would discuss the matter with the Home Member, Bombay, and then take further action.

23.34 At 2 P.M. the entry is that they reached the house of Inspector Kargaonkar; and at 4 P.M. the entry is that they went to the C.I.D. office and the Inspector, C.I.D., Bombay, said that they were not needed and could go back to the house where they were staying and should await orders there.

23.35 At 7.30 P.M. they were informed by their host and two other officers that they had traced the suspects and men had been posted and he was confident that the whole matter will end successfully. But regarding "Karkra" he said that an Inspector of Police was coming from Ahmednagar, and after getting information of the full addresses of Karkare and of the Editor of the *Agrani* or the *Hindu Rashtriya* a report about their arrest would be sent. This diary closes at 8 P.M. at which time the two officers "went off to sleep". "Shab bash" really retired for the night.

23.36 Along with this diary there is a document which for the purpose of identification the Commission has marked as Ex. 5, the original of which is Ex. 5-A, and a photostat copy of the document has been put in the chapter Ex. 5-A. Now this document consists of one page and is written on both sides. Part of it is in the hand-writing of Sub-Inspector Ram Chand Bhatia, witness No. 42, who retired as Superintendent of Police, Jodhpur, and the rest is in the hand-writing of Superintendent Amar Nath Bhatia. There is at the bottom of right hand corner at the back of the page a writing consisting of 11 words written one under the other, which have been enclosed in red pencil mark. The portion upto "we went in a tonga" at the back is in the hand-writing of Ram Chand Bhatia and the rest from A to A-1 is in the handwriting of Superintendent Amar Nath Bhatia. It is a document which is very cryptic and there is a great deal of controversy as to when it was compiled, why it was compiled and whether it was taken to Bombay by the two Police officers or not, or was something else taken by the Police officers. As this is a matter which requires a very careful scrutiny the statement of various witnesses connected with this document will be discussed at length at a later place as separate chapter *sub nomine* "Ex. 5-A".

Diary No. 4 of 23-1-48—

23.37 Diary No. 4 by Inspector Dayal Singh is dated January 23 and begins at 10 A.M. In paragraph 2 therein it is stated that the accused was interrogated. He was asked to disclose true facts. "He said that in fact he had made an incorrect statement but now he was prepared to depose the truth. Therefore I begin to record his statement". While the statement was being recorded, Mehta Puran Chand, Advocate, sought an interview with the accused and he was directed by the Police to seek the permission of the Superintendent of Police. The entry of 8.15 P.M. is "up to this time the statement

of the accused was recorded". As it was late the recording was evidently stopped and the accused was sent back to the lock-up.

Diary No. 4-A of 23-1-48—

23.38 The same day diary 4-A is by Sub-Inspector Dasondha Singh. It begins at 11 A.M. and deals with the investigation at the Marina Hotel. Kaliram, a bearer of the Hotel who was in charge of Room No. 40, was examined by the Police. He stated that two persons, who were Mahrattas and spoke Marathi and knew "little" Hindustani, had on January 17, 1948 given clothes for washing to the "dhobi" which were a white shirt, a Jawahar-cut waistcoat and a towel which bore the mark 'NVG', the other clothes had no markings. The receptionist Ram Chander disclosed as to who carried their luggage when they left. There is no indication of any importance being attached to the discovery of 'N.V.G.' or any use having been made of it.

23.39 The next important entry is at 3 P.M. and it mentions that Inspector Dayal Singh was busy interrogating the accused in Civil Lines Police Station and also that Kali Ram bearer was being secretly watched as a result of the instructions given by Deputy Superintendent Kartar Singh. The statement of Kali Ram recorded by the Police contains a description of the two Mahrattas, who were living in Room No. 40 of the hotel.

Case Diary No. 4-B of 23-1-48 from Bombay—

23.40 Case Diary No. 4-B is by Deputy Superintendent Jaswant Singh purporting to be from Bombay. It is marked as Ex. 39. It begins at 10 A.M. of the 23rd January, 1948. It shows that Mr. Nagarvala gave Jaswant Singh a list of passengers who travelled from Bombay to Delhi between January 13 and 20 but Jaswant Singh did not find anything useful in that list. The entry of 12 noon is that Inspector Kargaonkar had informed them that a Police Inspector from Ahmednagar had come and had contacted Mr. Nagarvala and that "Kirkree was not present in Ahmednagar". But the C.I.D. had been instructed to search for the Editor.

23.41 The next entry is that inquiries were made about Kirkree (Karkare) from Inspector, C.I.D., Bombay, and he was requested to inform them about the suspects who were responsible for the occurrence. The Inspector had disclosed to Deputy Superintendent Jaswant Singh that the real name of Karkree was V. R. Karkra and he was the owner of the Deccan Guest House, Ahmednagar and was a zealous worker of the Hindu Mahasabha; and his co-workers were Badge of Poona, Avtar Singh of Amritsar, Talwar of Karachi, Balraj Mehta of Lahore, who also were Hindu Mahasabha workers. The entry at 12.30 P.M. is that Mr. Nagarvala had returned to the office and said that he was trying to arrest the suspects and he also said to the Delhi officers that they were not needed and whenever he would need them he would send for them. "And ordered in plain

words that we should return to Delhi. At this stage we submitted to the Deputy Commissioner Sahib that according to the statement of our accused Karkra's name and that of editor of 'Agrani' or 'Hindu Rashtriya' had been mentioned; the name of Karkra and the address of the editor of the 'Agrani' or 'Hindu Rashtriya' had been traced (Nam zad ho gaya hai). If apprehended, they should be sent to Delhi under special guard. He consented to it and said that on our return to Delhi if we elicit anything useful from the accused Madanlal he will be informed".

23.42 Thus this Police diary makes some very significant assertions: one, that the Delhi Police officers were informed that Karkare was the owner of the Deccan Guest House, four of his associates were mentioned and Mr. Nagarvala had directed these officers to return to Delhi; and that they again informed Mr. Nagarvala that Madanlal had named Karkare and had mentioned the editor of the 'Agrani' or the 'Hindu Rashtriya'. This is a re-assertion of the mention of the editor of the 'Hindu Rashtriya' or 'Agrani' to the Deputy Commissioner.

23.43 Therefore, this diary is a document of the utmost import and significance and read with the diary No. 3-A and Ex. 5-A it will give quite a different complexion to the whole case, very different from what Mr. Kotwal has been trying to present, provided they are a correct representation of facts.

Case Diary No. 5 of 24-1-1948—

23.44 The next diary is diary No. 5 written by Inspector Dayal Singh which begins at 9-30 A.M. on January 24 and closes at 9.30 P.M. At 10.00 A.M. the interrogation of Madanlal was commenced by Inspector Dayal Singh and Jai Dayal. At 12.00 noon the entry was that Inspector Jai Dayal was sent to type the statement, evidently of Madanlal, and that Inspector Dayal Singh continued the interrogation. He received an order from the Superintendent of Police, New Delhi, allowing Mehta Puran Chand to interview Madanlal. It was allowed and after the interview was finished the recording of Madanlal's statement was continued which finished at 9.30 P.M. and it was taken by Inspector Jai Dayal to the Deputy Superintendent of Police, C.I.D.

Case Diary 5-A of 24-1-48—

23.45 Case diary 5-A is again by Sub-Inspector Dasondha Singh showing that the houses of the relations of Madanlal were searched and one of them, Dr. Ahooja, stated that Madanlal visited him on January 17 at about 11.30 A.M. when he arrived from Bombay in company with his friends in connection with some business and he was staying at a hotel near Fatehpuri. Dr. Ahooja also stated that Madanlal's father was injured during the communal riots at the time of partition. The other relations disclosed nothing about Madanlal.

23.46 The next entry shows that after 1 P.M. Inspector Kartar Singh and Sub-Inspector Dasondha Singh went to the Sharif Hotel and there found out that three persons had arrived on January 17 at about 2 P.M. and entered their names in the hotel register. They were B. M. Bias, Madanlal, Angachar, shown as Hindu Businessmen from Bombay—Buleshwar. The register also showed their departure for Bombay. The servants of the hotel gave descriptions of these three guests and also that they had given certain clothes for washing which they took away on the day they left the hotel at about 7 P.M. The entry at 5 P.M. mentions the fact again that the conspiracy was to murder Mahatma Gandhi and that it was probable that one of the servant of Birla House was in the conspiracy or one of the accused was working there under the "guise of a servant".

Case Diary No. 6 of 25-1-1948—

23.47 The diary No. 6 of January 25 begins at 12 noon and is by Sub-Inspector Dasondha Singh. In that it is mentioned that it was possible that some of the accused had taken refuge somewhere in Delhi because it appeared that Hindu Mahasabha and R.S.S. had a hand in the conspiracy and they had a strong "foot-hold" in Delhi. Under the orders of Superintendent Amar Nath Bhatia special men were posted at important places in order to trace the culprits. The next entry in the diary is that Deputy Superintendent Jaswant Singh and Inspector Balkishan had returned from Bombay and their diaries had been incorporated in the case diary and that officers of the C.I.D. and Inspector Dayal Singh were continuing the interrogation of Madanlal accused at the Civil Lines Police Station. The Superintendent of Police, New Delhi, was being constantly kept in touch.

Case Diary No. 7 of 26-1-1948—

23.48 The next diary is No. 7 by Inspector Balkishan from Police Station Civil Lines. It is dated January 26 and begins at 10.00 A. M. He started the interrogation of Madanlal. The next entry is at 7.00 P. M. It says that the accused was further interrogated but he did not give any useful information besides what he had already been given. At 7.30 P.M. the entry is that Madanlal was interrogated "today" but he did not give out any useful information concerning the case (*Mufid Bat zahir Nahin Hoti*).

Case Diary No. 8 of 27-1-1948—

23.49 Diary No 8 which is the next diary is again by Inspector Balkishan. It begins at 10.00 A.M. on January 27, and shows that Madanlal was interrogated. The next entry is at 5.00 P.M. where it is stated that the interrogation of Madanlal was continued upto that time, and he has stated that he has already given his true and correct information and he did not disclose anything useful.

Case Diary No. 9 of 28-1-1948—

23.50 Case Diary No. 9 is dated 28-1-1948 and is by Inspector Dayal Singh but does not give anything useful for purposes of the Report.

23.51 The case diary No. 10 which is by Sub-Inspector Dasondha Singh is the next diary which begins at 1.00 P.M. on January 29. It states that the officers of the C.I.D. were recording the statement of the accused separately and that the car which was used for the commission of the offence was of green colour with a railing on it and was driven by a Sikh. Really, the colour given is 'mongia' (light green). The entry at 2.00 P.M. is that the search for the accused and for the taxi used was being continued.

23.52 The next diary is No. 11 by Sub-Inspector Dasondha Singh and is dated 30-1-1948 after 7.00 P.M., i.e. after the murder. It states that Narayan Vinayak Godse accused in the F.I.R. No. 68, relating to the murder of Mahatma Gandhi, was the same person who had gone to Birla House, along with Madanlal, and is his accomplice in the Bomb Outrage Case. "He is the very accused about whom Madanlal stated as Editor of Rashtriya newspaper, Poona, and the one who has stayed in No. 40 Room, Marina Hotel". The rest of the diary is not important. But here again there is a mention of Madanlal's disclosing about the editor of the 'Hindu Rashtriya'. If Ex. 6 was recorded on the date it purports to have been recorded, this information alleged to have been given by Madanlal does not add to anything deserving special notice of the Commission.

23.53 The next diary is diary No. 12 again by Sub-Inspector Dasondha Singh. It says that he, the Sub-Inspector, was busy in connection with the cremation ceremony of Mahatmaji but he was also looking for the accomplices of the accused but nothing useful was discovered. Accused Madanlal was being further interrogated by the other officers and the staff of Inspector Jai Dayal. Rai Sahib Rikhikesh, Superintendent of Police, C.I.D., gave him the statement of Madanlal which was incorporated in the diary in English. In the diary it runs into several pages, from the bottom of page 115 to the middle of page 154 and contained much more information than what was contained in Ex. 1.

23.54 The Case Diary relating to Case, F.I.R. No. 40, as it has been presented to the Commission, read as a whole shows that on the very first day, i.e., on the night between 20th and 21st January, 1948, Madanlal had made a statement, which is contained in paragraph No. 15 of the first day's case diary, wherein he had described his companions; one of them was a "Maharaj", another editor of the 'Rashtriya' and the 'Agrani' paper, and one other was Kirkree (real name Karkare). He also gave the description of all the six persons who were with him which is contained in that paragraph. In the list of these person is Editor, 'Rashtriya' or 'Agrani' (Marathi newspapers) which is of extreme importance if true. Madanlal continued to be interrogated and his fuller statement was obtained by the police by January 24, 1948 by 9.30 P.M. because the entry in diary No. 5 of that date in the handwriting of Inspector Dayal Singh is that the statement of the accused was closed. It was typed in the office of C.I.D. and Inspector Jai Dayal had taken it to the Deputy Superintendent of Police, C.I.D. Evidently, it was a copy of this

statement which was taken by Mr. Rana when he left on 25th January, 1948. Peculiarly enough, there is no mention of the word "Agrani" in this document, nor is the "editor" mentioned. The person mentioned is the proprietor of the "Hindu Rashtriya".

23.55 The question then arises why a copy of Madanlal's first statement Ex. 6 or 36 was not taken by the Delhi policemen who went to Bombay and why a mere vague kind of a note with the mention of Karkare and editor was taken. From the diary it appears that they left Delhi by the 4.00 P.M. plane and must have reached the aerodrome which in those days used to be at Safdarjang at about 3 or 3.30 P.M. From the time the statement was recorded, which was midnight of 20th January, 1948, there was enough time for a copy of the statement to be typed and taken.

23.56 It was submitted and that perhaps is true that in general notes of statements are taken down briefly and then they are expanded and written into the diaries. The Commission at this stage is not concerned with the propriety or otherwise of the practice. Even if that was so, whatever description was given must correspond to what is contained in Ex. 6, and the Commission will have to see as to how far the descriptions contained in Ex. 6 equate with the description given in Ex. 5-A, if this was the document which was taken by the Delhi Police officers to Bombay.

23.57 In consequence of the information given by Madanlal on the 20th January, 1948 that two of his companions stayed at the Marina Hotel, the following police officers conducted further investigation there—

Deputy Superintendent Jaswant Singh.

Inspector Balkishan.

Inspector Mehta Kartar Singh of C.I.D., and

Inspector Ram Chander (Ram Chand Bhatia).

In the course of their investigation Room No. 40, where Godse and Apte and stayed under assumed names of S. and M. Deshpande, was searched and a document Ex. p-25, a Press statement of Ashutosh Lahiri dated January 19, 1948, was recovered there but nothing else. This showed a Hindu Mahasabha connection of the conspirators. The statements of some of the employees of the Marina Hotel were then recorded. Amongst them was Ramchander, the Hotel Receptionist, Pacheco the Hotel Manager. The Police also visited Hindu Mahasabha Bhawan but beyond examining a sadhu who stayed in Room No. 3 there they seem to have done nothing more.

23.58 Kaliram, who was the bearer incharge of Room No. 40, was examined by the Police on the 23rd January and he stated that both the occupants of Room No. 40, later identified as Godse and Apte, had given their clothes for washing which he brought and produced before the Police. In the recovery memo it is shown that three of them had the mark "NVG", one a towel, another a khaddar waistcoat, and the third a white drill shirt. These had been washed by Kanyaiyalal, washerman.

23.59 Kaliram appeared as a witness at the trial, P.W. 10, and he repeated the story of Nathuram Godse and Apte giving him clothes for getting them washed and he identified both of those

accused. It does not appear anywhere that the Delhi Police made any use of the recovery of these clothes with the markings in order to trace the identity of the owner of those clothes.

23.60 P. W. 8, Mehan Singh, who was the head-bearer in Marina Hotel identified Karkare and Shankar as having taken tea in Room No. 40 occupied by Godse and Apte. Similarly, Gobind Ram, P. W. 11, also a bearer in Marina Hotel, identified Nathuram Godse, Karkare, Gopal Godse, and Badge, and stated that he had seen them in the Hotel. Thus, within 3 days of the arrest of Madanlal the Delhi Police had got 3 more witnesses who could presumably give description of the conspirators and had also got the initials of one of them showing that the names given by them to the hotel were false.

23.61 Although Madanlal had in his very first statement to the police on the 20th January, 1948, Ex. 36, stated in paragraph 15 of the first case diary, that he and Karkare had stayed in the Sharif Hotel, Fatehpur, the police did not go to that hotel to make any inquiries till 24th January, 1948, as shown by Case Diary No. 5-A of that date. There they learnt that three persons had arrived to stay on 17th January, 1948, and left on 19th January, 1948 at 7 P.M. These three persons were V. M. Vyas which is an assumed name of Karkare, Madanlal and Angachari. The register was signed by Madanlal. It appears that these persons had given some clothes to Ram Singh, Bearer, to get them washed from a laundry. It was discovered that Madanlal spoke Punjabi and the other two appeared to be from Bombay side. This was corroborated by Ram Singh, Bearer of the Sharif Hotel, who gave the name of Madanlal and his description and also the description of the other two but his concept of language other than Hindi and Punjabi seems to have been of the vaguest kind because he stated to the Police that amongst the other two, one spoke Bengali and the other Gujarati and Hindustani. He also said that Madanlal had given "10 clothes" at about 3 P.M. and that on the 19th January at about 7 P.M. one of them who spoke Gujarati came to the hotel and took away those clothes. This statement of Ram Singh about the clothes was corroborated by Hari Singh who was also employed in the hotel and the fact that the clothes were given to the laundry named Glacier Dry Cleaners and Dyers, Fatehpuri, was supported by the manager of that laundry. Hari Singh had given the clothes which had been marked urgent for washing. Whether any further information would have been obtained about the persons who stayed in the Sharif Hotel is difficult to say but the fact remains that the Sharif Hotel was not visited by the police till the 24th January.

23.62 As far as the Frontier Hotel, where after the bomb burst Gopal Godse and Karkare stayed, is concerned, the police never made any inquiries there till after the murder when on March 13, 1948 the police went to the hotel to make investigation on directions coming from the investigators at Bombay.

23.63 Deputy Superintendent Kartar Singh, witness, stated before the Commission that after the 21st January all hotels were being watched but it seems to have been a very katcha, perfunctory and ineffective kind of a watch if not a sham.

23.64 The investigation at the Frontier Hotel has been described in the Police Case Diaries thus.

23.65 In accordance with the instructions received from Bombay, investigation was conducted regarding Gopal Godse's stay at the Frontier Hotel. There the Manager was examined and he produced a register of residents in which there were two names which are relevant to the conspiracy to murder case: (i) Gopalram S/o Raju of Bombay; and (ii) G. M. Joshi S/o Joshi of Bhuleshever, Bombay.

23.66 The Manager Ram Prakash stated that he could identify the visitors who stayed in his Hotel on the 20th. Gopalram came to the Hotel on the 20th January at about 4.00 P.M. and left the next day at 8.00 A.M. and then his description is given. Nothing is said by him about G. M. Joshi. But the register shows that Joshi also left on the 21st January but at 8.00 P.M. It may be mentioned that Karkare in his statement before the Bombay police denied that he stayed in that Hotel. He said that after he found his companions missing from No. 3 of Hindu Mahasabha Bhawan on the 20th evening, he hurriedly took his bedding and went to the Birla Dharamsala where on the pavement he spread his bedding, pulled a blanket on his face and went to sleep.

23.67 A track of investigation, which the Delhi Police did not pursue and therefore missed the opportunity of discovering the identity of the conspirators soon after the bomb was exploded, was pressed for consideration of the Commission by Mr. Kotwal; and that was not conducting any intelligent investigation on the night of the 20th January or on the morning following. Mr. Kotwal submitted that the police should have interrogated the Secretary and other officers and employees of the Hindu Mahasabha Bhawan on the very first night after the bomb just as they did in the case of the Marina Hotel or at least the next morning; because as paragraph 17 of the first Case Diary shows, the police suspected from the recovery of Ex. P-25 in Room No. 40 of the Marina Hotel that the Hindu Mahasabha was at the back of the conspiracy and that superior officers were investigating in regard to this matter. This appears to be an empty rider. He (Mr. Kotwal) referred to many other matters showing the connection between the Hindu Mahasabha, its office bearers and leaders and the conspiracy. All this showed, he submitted, that a careful investigation at the Hindu Mahasabha Bhawan was a necessary requisite of a proper investigation in regard to which the Delhi Police seem to have been rather remiss.

23.68 The first Case Diary of police investigation at Delhi in paragraph 21 states that the Deputy Superintendent of Police, New Delhi, and other police officers went to the Hindu Mahasabha Bhawan which is next door to the Birla Mandir, Room No. 3 where according to Madanlal's statement the accused had stayed, was searched by the police but nothing was found nor was anything taken into possession from there, and as it was late at night (although not yet midnight) nothing further was done.

23.69 Police Case Diary No. 12 of the Murder case dated February 1948 discloses that on that night one Om Baba, a resident of

was also staying at Room No. 3 where Madanlal, Karkare, Badge, Shankar and Gopal Godse had stayed on the night between the 19th and 20th, was interrogated at about midnight on the 20th January. He told them that he was unable to remember anything about the accused persons. It was to this man and to this interrogation that Mr. Ashutosh Lahiri made reference in his Bombay Police statement dated March 14, 1948. He also appears to be the same man who was referred to in Ex. 5-A and in the fuller statement of Madanlal, Ex. 1.

23.70 Mr. Ashutosh Lahiri in his written statement dated May 10, 1969, submitted to this Commission, has said that between the 20th January and 5th February, 1948 when he was arrested, no inquiries were made from him by the police as to how Madanlal found accommodation in the Bhawan. He complained that the police never woke him up although he was sleeping in the northern side of the building, quite oblivious of what was happening. According to Mr. Lahiri, Room No. 3 was not even properly searched.

23.71 Mr. Ashutosh Lahiri also stated that before July, 1947 they had a regular Visitors' Register, wherein the names of persons staying in the Hindu Mahasabha Bhawan were registered, but it could not be maintained after that date due to a large number of refugees coming and staying in the Bhawan. This was taken in possession after the murder case as indicated by Case Diary No. 3-A of Inspector Ram Chand Bhatia but it was not produced before the Commission.

23.72 Mr. Kotwal brought to the notice of the Commission that the document, Ex. P-25, which was a copy of a Press statement issued by Mr. Ashutosh Lahiri on the 19th January, 1948, was found in Room No. 40 of the Marina Hotel occupied by Godse and Apte. It was submitted that the recovery of this Press statement of Ashutosh Lahiri was indicative of Godse or Apte or both having seen Lahiri on the 19th.

23.73 In his Bombay Police statement Mr. Ashutosh Lahiri said that it was on the morning of 21st January, 1948 that he learnt that the police had visited Hindu Mahasabha Bhawan the previous night and had interrogated a sadhu staying in that room about Madanlal who also occupied the same room. Mr. Ashutosh Lahiri complained, "the police, however, never approached me nor asked me any questions about it though I was the General Secretary and responsible for admitting new persons and I could have been available for interrogation". He admitted that he had known Godse for about 8 or 9 years as a worker of the Hindu Mahasabha, Poona, and that during the last 2 or 3 years he had been conducting a daily newspaper first known as 'Agrani' and then 'Hindu Rashtra'; and he also knew Apte and Karkare, but not Gopal Godse, Badge, or Shankar, nor did he know that they had stayed in the Hindu Mahasabha Bhawan room No. 3 between the 15th and 20th January, 1948 nor did he receive any chit for giving Karkare some accommodation in the Bhawan. But he could not say if Dr. Satya Prakash who in his absence was Honorary Superintendent in charge of the Bhawan since January 18, 1948 for three months, received such a chit.

23.74 The argument raised was that if on that night the police had taken the precaution of making inquiries from Ashutosh Lahiri or his substitute Dr. Satya Prakash at the Hindu Mahasabha Bhawan and had not just satisfied themselves with the questioning of a sadhu, they would have been able to get very valuable information in regard to the identity of the accused who had stayed there and had suddenly disappeared which was itself a suspicious circumstance.

23.75 The facts appear to be that all the accused with the exception of Godse and Apte stayed in the Hindu Mahasabha Bhawan on the night previous to the throwing of the bomb and they were there also on the 20th when the bomb was thrown. Godse was known to Ashutosh Lahiri for 8 or 9 years and he also knew that Godse was running a newspaper in Poona. He also knew Apte who accompanied Godse to attend the meeting of the All India Hindu Convention in August, 1947. He also knew Karkare though he did not know the others. What would have transpired as a result of interrogation, and whether interrogation at that stage would have been gainful or not, may indeed be speculative but an acute and careful investigating officer should have interrogated not only him but Dr. Satya Prakash also. Although Mr. Ashutosh Lahiri was interrogated after his arrest, there is nothing to show that Dr. Satya Prakash was ever questioned.

23.76 Another piece of evidence which has been emphasised is the fact that on the 19th January, 1948 at 9.20 A.M. an urgent call was booked from the Hindu Mahasabha Bhawan telephone No. 8024 to Savarkar Sadan at Bombay telephone No. 6020, the particular persons, according to documents subsequently discovered, were Damle or Kasar, the former was the Private Secretary of Savarkar and the latter, his Bodyguard. At 11.55 A.M. this telephone call was cancelled and the charge was Rs. 1—15 As. which is proved by Exs. P-59 and P-70 at pages 24 and 32 of the Court Record, Vol. IV, respectively. They are both dated January 19, 1948. P.W. 23, P.R. Kaila, deposed in Court that the call was ineffective as neither of the particular persons were available at the other end and this call was paid for on 19th May, 1948. These two pieces of evidence perhaps would not have been available at once because they had to be got from the telephone office but they were in existence and could have been called for. At any rate, the factum of the booking of the call was there and diligence could have discovered it from the Hindu Mahasabha Bhawan itself.

23.77 In his statement made to the Bombay Police, Karkare said that Gopal Godse, who was to have arrived the previous night, had not arrived at night nor the next morning which had made Nathuram Godse rather anxious. And he said that "he was telephoning to different places to make inquiries" about Gopal. All three of them, i.e., Godse, Apte and Karkare then went into the Hindu Mahasabha Bhawan office and Apte tried to telephone; Karkare was there but Godse was near the office. At that time Gopal entered the office and Karkare told Apte about this. They, therefore, came out of the Hindu Mahasabha Bhawan office and went out on to the road.

23.78 There is some corroborative evidence in regard to this incident discernible from the murder case Police Diary No. 49 dated 19th March, 1948. There it is stated that Apte came in the morning

and inquired if anybody from Bombay had arrived. Learning that no one had come, he wanted to make a telephone call to Bombay to which Mr. Lahiri (reference is to Mr. Ashutosh Lahiri) agreed provided trunk call charges were deposited in advance, which Apte deposed and then a trunk call was booked as stated above. This supports the contention that had the investigation been done that very night, i.e., the night of the 20th January, or even on the morning of 21st, and had Ashutosh Lahiri been interrogated then, these facts could have come to light. It may be observed that the speculative part remains as to whether the efforts would have been gainful or abortive but the chances are that if properly inquired into there was more than a probability of these facts being unearthed.

23.79 A secret source report is attached to this diary which is dated 5/6th March, 1948. It says—

"It is reported that Mr. Godse wrote a letter to Ashutosh Lahiri requesting the latter to arrange for accommodation for two gentlemen in the Hindu Mahasabha during the 1st week of January. Thereafter, Mr. Apte came and enquired if anybody from Bombay came. Finding none he wanted to have a trunk call with Godse. Mr. Lahiri agreed on the condition that Mr. Apte would deposit an amount in advance, which Mr. Apte did. He phoned, but could not get upto 12 and so left.

It seems both Mr. Apte and Mr. Godse visited Hindu Mahasabha before 30th January".

23.80 It appears that neither the Delhi Police nor the Bombay Police made any use of this information because there is nothing in the statement of Ashutosh Lahiri made to the Bombay Police in regard to this matter, i.e., allowing a telephone call to be made on receipt of an advance charge for the call. But he did deny the receiving of the chit from Godse.

23.81 Ex. 276, a statement prepared from the record, giving the movements of various accused persons shows that Gopal Godse reached Delhi Station on the night of the 18th and slept the night at the platform. He left Old Delhi Railway Station for the Hindu Mahasabha Bhawan at 10.30 A.M. on 19th January. The non-arrival of Gopal had made both Apte and Godse worried and Apte booked a telephone call from the Hindu Mahasabha Bhawan to Savarkar Sadan for Damle or Kasar. And as said above, when Gopal arrived at the Hindu Mahasabha Bhawan at 11.30 A.M. the call was cancelled. The coincidence of circumstances, to say the least, is remarkable.

23.82 Now it is true that all this information about the booking of the telephone call, the time of booking, the persons for whom the call was meant and the cancellation of the call came to light after the murder. But the lapse on the part of the police suggested is this, that it made no inquiries of any kind whatsoever and even Mr. Ashutosh Lahiri, who was arrested in connection with the Murder case, has complained that no inquiries were made, and had proper inquiries been made, not only was there a possibility but a probability of getting some useful information. This information would have been

obtainable if the officers of Hindu Mahasabha were interrogated, because no long distance telephone call could be made without the office knowing it unless Godse and Apte had a free hand at the Bhawan but that information also could be valuable. At any rate, diligence, was lacking and this path was not pursued.

23.83 According to Godse's statement before the Delhi Police dated February 1, 1948 (page 46 of the Murder case urdu case diary No. 3), he met Ashutosh Lahiri at 9.30 A.M. on 19th January, 1948; this fact, however, Mr. Ashutosh Lahiri had denied but this denial was at a time he had been arrested in the Murder case. The fact that P-25, Press statement of Ashutosh Lahiri, which was published on that very day, was found in the room occupied by Godse and Apte would show that the probabilities were in favour of Godse having met Ashutosh Lahiri, and getting Ex. P-25 from Mr. Ashutosh Lahiri. Of course, this is not an absolute proof and is merely inferential but the probabilities are more in favour of Godse having met Ashutosh Lahiri than not having met him.

23.84 The facts established are that Godse was a prominent Hindu Mahasabha worker and might even have been elected its Secretary. Mr. Ashutosh Lahiri, who was also a very prominent worker in the organisation, had issued a repudiation of his organisation having signed the nine-point pledge required by Gandhiji and that was found in Godse's or Apte's possession, at least in their room. The inference would not have been far fetched that the one or the other got it from Lahiri. At least this line of investigation was not will-o'-the-wisp.

23.85 Mr. Kotwal very strongly relied on the fact that the Hindu Mahasabha people knew both Godse and Apte well. For this, *inter alia*, he referred to the following.

23.86 The police statement of Apte at Bombay at page 34 shows that Karkare came to the Marina Hotel on the morning of 18th January, saying that he had not been able to secure accommodation in the Hindu Mahasabha Bhawan. Therefore, Nathuram Godse gave him a chit addressed to the manager of the Bhawan requesting him to arrange necessary accommodation for Karkare. Karkare has stated at page 80 of his police statement at Bombay that when he could not get any accommodation at Hindu Mahasabha Bhawan, Godse said that he would make arrangements for him. He wrote out a chit to the manager of the Hindu Mahasabha Bhawan and he (Karkare) handed over the chit to the manager on reading which he asked him to occupy Room No. 3. He then returned to the Marina Hotel and informed Apte and Godse that he had been given Room No. 3. That was about 11 or 11.30 A.M. on the 18th. It is the knowledge of this chit that Mr. Ashutosh Lahiri has denied. It appears the chit was for two persons i.e., for Karkare and Madanlal because he also stayed in that room.

23.87 Intelligence Bureau File No. 13/HA7(R)/59-IV. Ex. 224C, dated 7th March, 1948, at page 143 shows that an employee of the Hindu Mahasabha, Ram Singh, was traced and he stated that four or five men, one of them a Punjabi and four Marathas stayed in room No. 3 of the Bhawan. He saw them on 20th January, 1948, and had a talk with them. They left at about 8 A.M. and came back at 12 noon and after a short time left in a car. One of them returned at 8 P.M. and

gave him a chit bearing his address of Poona in Hindi for being delivered to one Inder Parkash, member of the Hindu Mahasabha, but he could not do so as Inder Parkash was not in the Bhawan. On 21st January 1948 he handed over this chit to one Shri Krishna Nair, a Congress worker, and a member of the chief Commissioner's Advisory Council. He also said that he could identify all the men who stayed in room No. 3. This man Ram Singh was another person whose interrogation was necessary and could gainfully have been used.

23.88 In the progress report of 9th March, 1948, in the same I.B. file marked Ex. 224-C, page 136, it is stated that Shri Krishna Nair was contacted and he admitted that Ram Singh had given him the chit but he had misplaced it. The progress report in the same file of the same date, Ex. 224-C, shows that this chit had the following address on it in Hindi—

“Care of Kher Shri Vishnupanth Vias Narain Peth Ghai No. 2, Poona City”.

23.89 Shri Krishna Nair also stated that Ram Singh when handing over the chit to him explained that it was given to him by one of the accomplices of Madanlal accused and that he (Nair) could not produce this chit earlier because he had misplaced it.

23.90 It does not appear that any use has been made of this chit either by the Delhi Police or by the Bombay Police nor can one find out whether the address given is fictitious or genuine. This chit could have been useful if—

- (1) the Police had found out whether the address was genuine or not and, if genuine, who was the person mentioned.
- (2) Whether Inder Parkash was known to anyone of the accused persons or not.
- (3) In whose handwriting was this chit.

23.91 Inder Parkash was arrested on February 17, 1948 and interrogated regarding the murder but no question seems to have been put regarding the chit or the three matters above-referred to. Inder Parkash was a member of the Hindu Mahasabha and in 1948 its acting Secretary and was residing in the Bhawan.

23.92 In the absence of these, it is difficult for the Commission to draw any conclusion one way or the other from this chit. But the Commission would like to observe that when this chit was given to Mr. Krishna Nair who held a responsible public office, he should have immediately contacted the police and given them the information and the chit and not taken shelter behind accidental loss, later misplacement.

23.93 Sham Deshpande a Hindu Sabhaite who was mentioned in Ex. 5-A and also in Ex. 1 in the statement on the 24th January was also arrested and his house was searched but nothing objectionable was found.

23.94 There is another piece of evidence which no doubt came into existence after the murder but is relevant to show that the Hindu Mahasabha Bhawan, Delhi, was one of the haunts of the conspirators for the murder of Mahatma Gandhi.

23.95 On the 31st January, 1948 a telegram purporting to be from N.D. Apte was sent from Bombay to the Secretary, Hindu Mahasabha Bhawan, at Delhi, the contents of which were as follows—

“ARRIVING DELHI ARRANGE FOR DEFENCE”

This telegram had really been sent by one Miss Manorma Salve, who evidently was a lady friendly with Apte. She was examined by the Bombay police on 13-2-1948 and she stated that on the 28th January (this date appears to be wrong) she met N.D. Apte on receiving his telephone call and went to the Sea Green Hotel to meet him. Apte appeared to be in a hurry and told her that she should send the above telegram if she heard anything regarding Godse within the next 5 or 6 days. All this shows that N.D. Apte was well-acquainted with the officers of the Hindu Mahasabha Bhawan at Delhi.

23.96 Karare's statement made before the Bombay police at pages 84-5 shows that plans of the operation on 20th January were laid on the 19th January, 1948 at 9.00 P.M. showing thereby that *qua* the conspirators the Hindu Mahasabha Bhawan was an important place which the police in the matter of investigation treated in a casual manner. Sub-Inspector Dasondha Singh as P.W. 116, stated: “I did not record the statement of any Ram Singh of the Hindu Mahasabha. I did not record the statement of Sham Deshpande”. Deputy Superintendent Jaswant Singh as P.W. 117 said in connection with the investigation at the Hindu Mahasabha Bhawan office on the 20th that when they visited room No. 3 there was no one in it. “We questioned the Chowkidar whose name was Gian Singh and not Ram Singh as to who the occupants of the room were”. The Secretary of the Hindu Mahasabha stayed in the Hindu Mahasabha building but he (Jaswant Singh) did not try to contact him. He did not see any refugees in the verandah in front of room No. 3 which was locked at the time but was opened by the chowkidar, but no entries were made in the case diary regarding his visit to the Hindu Mahasabha building. All this, Mr. Kotwal rightly argued, showed that the investigation regarding the Hindu Mahasabha at least on the 20th January was of a casual nature.

23.97 For the reasons given above a vigorous and intelligent investigation at the Hindu Mahasabha Bhawan was a requisite which could ill be neglected. In spite of that track of investigational line being pursued, the pursuit might have proved abortive but the fact that it was never attempted at early stages could only mean losing a valuable opportunity of an early discovery of the identity of the conspirators. And if this information could have been made available to Bombay Police the course of investigation there would not have been tangential.

23.98 The Commission would like to observe that this track of argument has quite an amount of speculative basis; but it is only valid to this extent that there were some very important clues which could have become available to the police if investigational energies had been directed in that direction. Not attempting would have been a sure overlooking them.

Defects apparent on the record

23.99 Investigational processes followed by the Delhi Police in the bomb case do not show that amount of care and acumen and careful

observation and footwork which one would have expected in a case of the magnitude of an attempt to murder Mahatma Gandhi by explosive substances.

23.100 The very fact that a gun-cotton slab was exploded near Mahatma Gandhi's prayer meeting and soon after a hand-grenade was recovered from the culprit was a sure pointer to murderous intentions of Madanlal and his companions.

23.101 The police do not seem to have shown that alacrity which the case required. According to the record, excepting Sub-Inspector Dasondha Singh who seems to have arrived quite early and recorded the First Information Report, no senior officer seems to have come till about 7.00 P.M. and, therefore, no effort was made to find out who Madanlal's companions were or where they had vanished.

23.102 Madanlal was interrogated first in the tent outside Birla House which would hardly be a place where a determined man like Madanlal would disclose anything. He was then taken to the Parliament Street Police Station and was interrogated under the directions of the high police officers and there he made a statement. Assuming without deciding that Madanlal did disclose besides the name of Karkare a person who was the editor of the *Agrani* and the *Hindu Rashtriya* he gave a fairly good description of the others, he also disclosed that two of his companions had stayed at the Marina Hotel and the others had stayed at the Hindu Mahasabha Bhavan and also that he and Karkare had before that stayed at the Shariff Hotel.

23.103 As a consequence of this information, the police rightly went to the Marina Hotel. But they must have gone fairly late and by then, as one would expect, the two culprits residing at Marina Hotel had quickly checked out and taken the first opportunity of leaving Delhi. But the recovery of Ex. P. 25 from room No. 40 where the two companions of Madanlal had stayed at the Marina Hotel should have, as indeed it did, put the police on guard that the two companions had a good deal to do with the Hindu Mahasabha, as the document was dated January 19 and was with them on the 20th at least. With that information the police, after they had searched the Marina Hotel, went to make inquiries at the Hindu Mahasabha Bhavan.

23.104 One should have expected that in a case of this kind another police party would at once have proceeded to the Hindu Mahasabha Bhavan and there conducted a thorough investigation and inquiry. Of course, they could not have Madanlal at two places. But the investigation and inquiry at Hindu Mahasabha Bhavan was of a very trumpery character, and the police just came back without achieving much. Indeed even the General Secretary of the Hindu Mahasabha who was in charge of the giving of accommodation, i.e., Mr. Ashutosh Lahiri, has a grievance that he was not questioned that night.

23.105 At another place the consequences of this failure to make inquiries at the Hindu Mahasabha Bhavan have been discussed. Suffice it to say that it was a serious lacuna which prevented the police from getting on the right track. Whether even after a proper inquiry anything would have come out of it may now be conjectural

but this much is certain that making no inquiries was a serious drawback.

23.106 After the 20th the only activity which the police diaries show is of interrogation of Madanlal which, as far as the Commission is able to see, did not lead to anything more than what the police had already got in the very first statement assuming that the statement, Ex. 6, was made and has been correctly incorporated in the police diary. As a matter of fact, subsequent statements of Madanlal disclosed the omission of the word "*Agrani*" rather than any material addition.

23.107 It is stated in the police diaries that the plainclothes policemen were alerted and given some descriptions of the suspected persons and were asked to keep a watch at the rail and air terminals. But with those vague descriptions, assuming they were given, no results could have been attained as indeed the fact that Godse and Apte flew back into Delhi and went to the railway station, proceeded from there to Gwalior and back and again stayed in Delhi at the Delhi Main Railway Station and were going to the Hindu Mahasabha Bhavan and coming back from there and reconnoitring Birla House without being identified or recognised shows. It was in this matter that the induction of police officers from Bombay could have been of the greatest help.

23.108 Assuming that the name "*Agrani*" was given on the very first day and that with that information two police officers were flown to Bombay, there is nothing to show that the D.I.B., the Delhi I.G.P. took any intelligent interest in finding out from Bombay as to what was happening there, nor did he take the slightest trouble to find out the identity of the editor of the "*Agrani*" and the "*Hindu Rashtriya*" which could easily be found, as Mr. M.K. Sinha, witness No. 44 has said, from the records available in the C.I.D. If that was so, a telegraphic requisition should have been sent for the arrest of Godse and Apte to Poona and Bombay and as has been discussed elsewhere the Bombay Police with the aid of Poona Police should have been able to arrest them. If even then they failed the reason would not have been inaction.

23.109 Even after the return of the Delhi policemen from Bombay without achieving anything substantial and with the grievance that they had, Delhi police should have at once telephoned or telegraphed to the Poona police giving them information about the editor of the "*Agrani*" and inquiring as to who he was, who his companions were, what his activities were and what his haunts were and should have made a requisition for their arrest rather than leaving it to Mr. U.H. Rana who went leisurely to Bombay via Allahabad. The Delhi police did absolutely nothing about this and confined themselves to routine investigation. The investigation itself was not of a high order. It also gives one an impression that the Delhi police was entirely paralysed and after the 24th January when their officers had returned assuming that they were insulted and sent back unceremoniously, the officers did absolutely nothing and Mr. Bannerjee is right when he says that it was due to inefficiency and lethargy of Mr. Sanjevi whose helplessness and paralysis is writ large over the whole of Ex. 7, his explanation.

23.110 The Commission is also unhappy to remark that the D.I.G. also was absolutely immobilised in those days either due to illness or due to the fact that Mr. Sanjevi objected to anyone interfering in his work. As far as the Commission has been able to see, Mr. Sanjevi in spite of the very high office he held, and in spite of his having been hand-picked, proved to be unequal to the task. The Commission is sorry to say so because the man is dead and had no opportunity to explain his conduct but on the material before the Commission and taking into consideration his explanation to the Government of India, Ex. 7, and other evidence before the Commission, this appears to be the view of the Commission. The reasons have been set out in the part dealing with lacunae and lapses of Delhi Police.

What action the Bombay and Delhi Police should have taken under the circumstances

23.111 Mr. Kamte, witness No. 4, when asked as to what, in his opinion, the police in Bombay should have done after the warning given by Dr. Jain, replied—

“I would have asked the Branch concerned to register an offence and to arrest the persons named in the information. If it was merely an intention, I would have arrested those persons. I would also have stationed officers from Maharashtra round about Mahatma Gandhi with the direction that they should keep an eye on any person who comes from Maharashtra specially the named persons, and arrest them if and when they came near Mahatma Gandhi or if they acted in a suspicious manner”.

23.112 Had he been informed as a Police officer that the accused in the Bomb case belonged to the province of Bombay, he would have at once informed the D.I.G., C.I.D., the Commissioner of Police and the Inspector General of Police of all the bordering provinces and had he known that the accused belonged to Bombay he would have placed 20 or 25 persons from Bombay province around Mahatma Gandhi to see that the culprits did not get anywhere near him.

23.113 Had he been shown the statement of Madanlal earlier, he would have got the persons mentioned shadowed and kept under constant watch, and if he had known that the conspiracy was to murder, he would have arrested them all at once, and if he was told that one of the conspirators was the editor of the ‘Hindu Rashtree’, Poona, and the other the owner of *Shastar Bhandar*, he would have been able to find out their identity through his subordinates. In his cross-examination Mr. Kamte said that if a request had been made by the D.I.B., he would certainly have sent Bombay men to Delhi.

23.114 The correspondence between Mr. Kamte and the D.I.G., C.I.D., Poona, Mr. Rana, shows what would have been the correct action to take. It consists of letters Exs. 30, 31, 31-A, 32 and 33 which have been dealt with under a separate heading.

23.115 In his letters to Mr. Rana, D.I.G. (C.I.D.), Mr. Kamte has made some telling points of criticism regarding what Mr. Rana should have done and what he had not done. The points of criticism were (a) why did Rana not send his own C.I.D. to make inquiries rather than send Delhi police officers to Bombay: (b) why did he not send

his own C.I.D. to protect the Mahatma; and (c) why did he not get help of Rao Sahib Gurtu even on 29th when he got to Poona and “get him on the move”. In his letter Ex. 32 dated March 6, 1948 Mr. Kamte said that he could not subscribe to the proposition that the Bombay police had done all that they could in the matter of precautions to be taken about Mahatma Gandhi. Mr. Rana’s reply in defence is letter dated April 15, 1948, Ex. 30, wherein he said—

“I did not think it necessary to take further action at this stage in view of the above facts which led me to presume that the gang must have been located in Bombay. However, I had one C.I.D. Head Constable Jadhav and he was directed to move about in Delhi and visit Railway stations and try to locate Karkare whom this Head Constable knew as a communist from Ahmednagar”.

Entrusting such a colossal task to one single Head Constable appears to be a wholly futile act.

23.116 Mr. Rana did not think it necessary at that stage to send a few special men from Bombay to Delhi. Mr. Kamte was questioned about his letter Ex. 31-A wherein he had put the following two questions to Mr. Rana—

“Did you take any steps: (i) to arrest them immediately; and (ii) to send men to Delhi to comb out Delhi and to arrest the men there”.

23.117 He was presuming, he said, that Mr. Sanjevi must have told Mr. Rana to do the needful, meaning (i) and (ii) of Ex. 31-A.

23.118 Mr. Morarji, witness No. 96, agreed with Mr. Kamte as to the action which the Bombay police should have taken except that (i) no offence could be registered as there was no offence committed in Bombay; and (ii) he could not send police to Delhi unless the Delhi police had asked for it. And the Delhi police should have asked for Maharashtrian police after they got the statement of Madanlal.

23.119 Mr. R.N. Banerjee, witness No. 17, before Mr. Pathak, stated that in the circumstances of the case it was the duty of the Bombay police to have sent their men to Delhi and it was the duty of Mr. Sanjevi to have insisted on Bombay sending their policemen to Delhi in order to trace the associates of Madanlal and also to prevent further activities of theirs. They would have been able to identify the conspirators of Madanlal. Before this Commission Mr. Banerjee said—

“I would also like to add that at that time there was a convention that whenever an offence was committed in one province by persons who belonged to another province, the police of the latter province would be called in to assist the local police for apprehending those accused persons”.

Again, when he was recalled, he said—

“There were three acts of omission in this case: (1) the Bombay Police did not take action for three or four days after they got the information; (2) the Delhi Police did not remind the Bombay Police or did not ask them what they were

doing; (3) the Delhi Police did not requisition a few members of the Bombay Police to come and keep watch on Gandhiji's residence as was the well-recognised convention in dealing with inter-Provincial crime in those days".

23.120 He added that, as far as he knew, Apte and Godse had some kind of history and the Bombay Police must have known about it and if the Bombay Police had been brought they would have been nabbed or they would not have dared to do what they did.
Mr. M.K. Sinha, Wit. 44—

23.121 Mr. M.K. Sinha Deputy Director, Intelligence Bureau, witness No. 44, said that if he had been in charge of the police in Delhi he would have called Maharashtrian police knowing that the conspirators were from the Maharashtrian part of Bombay Province. He would have placed them as watchers and spotters.
Mr. B.B. Mishra, Wit. 74—

23.122 Mr. B.B. Mishra, Inspector General of Police, Delhi, witness No. 74, in reply to a question as to what he would have done, if he knew that the conspirators were from another Province, said that the normal practice was that information is sent to the police of that Province and after consulting them precautions are taken including the sending for men from that Province to keep a watch if that was required.

Mr. G.K. Handoo, Wit. 48—

23.122 Mr. G.K. Handoo, witness No. 48, said that in the circumstances of the influence of the Hindu Mahasabha all over the country he would have got C.I.D. policemen from all the provinces of India where Hindu Mahasabha had predominant influence and would have stationed them on a special look-out in the prayer grounds. He also said that he interviewed Nathuram Godse later and got from him a list of the leaders in the country who were ear-marked for assassination. They included Prime Minister Nehru, Maulana Azad, Sardar Patel and several others.

23.124 Mr. Handoo was recalled and in reply to a question in that behalf, he described the precautions he would have taken as follows—

"(1) I would have at once kept a careful watch on the haunts of these persons irrespective of whether they were there or not; (2) I would have sent a list of all these names that had come to my notice as also the names of the associates of Karkare along with their associates and addresses to the Inspector General of Police, Delhi, as also to the D.I.G., C.I.D., Bombay, at Poona. I may have also offered to the I.G. Police, Delhi, depending on what reliability of the information that I had received was, "identifiers" of these persons who may have been available to me from my C.I.D. staff".

23.125 In reply to the interrogative questionnaire sent to the Government of India, Question No. 23, they had set out a minute of Sardar Patel dated 2nd April, 1949, Ex. 7-E, where he said that he agreed with the Secretary that plain clothes men from Bombay should have been summoned to Delhi in order to identify the conspirators.

23.126 Mr. H.V.R. Jengar, the Home Secretary, in a note dated 31st March, 1949, Ex. 7-C, had said that "as soon as it became clear that there was a conspiracy among certain Maharashtra Brahmins from Poona, Ahmednagar, and neighbourhood, to commit assassination, plain clothes men from that part of the Bombay Province should have been summoned to Delhi, on the chance that they might have been able to identify these persons if they came to Birla House". He said that Mr. Sanjevi had said that as the Bombay Police did not take the conspiracy to assassinate seriously, the responsibility was theirs. "Personally, I do not accept this view and think that there was a failure in Delhi to insist on this precaution".

23.127 Annexure D to the replies of the Intelligence Bureau to the questionnaire sent to them is a letter from Mr. Sanjevi to Mr. R.N. Banerjee dated February 7, 1948. To that is attached a note on the staff required for investigation of the conspiracy case. It starts by saying that it had been decided to have the headquarters of the investigation staff to be at Bombay under the supervision of Mr. Rana, D.I.G., C.I.D., Poona, and Mr. Nagarvala was to assist him and be in immediate charge of the investigation and then it sets out what staff would be required. It also says that the men selected for the investigation should be "hand-picked" and should be armed with revolvers. Though they would carry their uniforms with them, they would not use them unless required. The whole investigation was to be under the overall control of the Director, Intelligence Bureau. Why were these handpicked men not brought into the investigational process or into the protective force earlier? That might have averted the catastrophe in spite of what Gopal Godse, wit. 33, may say.

23.128 The Inspector General of Police of Maharashtra, Mr. A.G. Rajadhyaksha, wrote to the Maharashtra Government, Ex. 253, dated may 16, 1968, in reply to its letter to him and said that there was no duty cast upon the then Bombay Province to send its officers *suo motu* to Delhi. He has said the proper thing to do was that on the Delhi Police informing the Bombay Police of the statement made by Madanlal implicating persons belonging to the Bombay Province, the Bombay Police could and should have deputed its officers to Delhi to locate the associates of Madanlal if they were still there and this might have prevented the assassination. He also said—

"I would like to say here that the normal procedure is that when a person belonging to a particular State commits an offence in another State and also gives information regarding his associates from the State from which he comes, the local police normally take him back to his State, contact the local police and through them try and locate his associates and others connected with the crime. If it is necessary, the officers from the State contacted also go to the State in which the offence is committed if the associates are likely to be found in that State, but that is only on requisition from the local Police".

23.129 Mr. A.G. Rajadhyaksha appeared as a witness and supported what he had stated in his letter, Ex. 253. He added that it was not for the Bombay Police to send people to Delhi but it was

for the Delhi Police to have asked for it. The established convention was not that the Bombay Police should offer its assistance or send its men to assist but the Delhi Police should have asked for help and in all cases such help is given.

23.130 He also stated that if the Delhi Police came to know that the offenders belonged to Bombay Province, they would have to make inquiries there. And if the Bombay Police was informed independently as it was in the present case by the Home Minister, then the Bombay police "would have to contact that party to find more details, meaning Professor Jain". If the Police knew who the informant was, they would have been able to get more information.

23.131 He added that it would have been more profitable for the Delhi Police to have brought the accused Madanlal to Bombay for local investigation. That would have helped in tracing out the associates quicker.

23.132 He also stated that for the security of persons like Mahatma Gandhi, a large number of policemen in plain clothes should have been kept to watch around the building and also to join the congregation to keep a watch on suspected persons in small sections of the prayer ground. The question was one of general watch—to watch everybody who was acting in a suspicious manner. This set-up of policemen would have spotted anyone who was suspicious looking. But even with all these precautions, it might not have been easy to prevent the murder of Mahatma Gandhi in view of the manner in which it was committed. If it was possible to keep some plain clothes policemen to walk with Gandhiji from the Birla House to the prayer ground, it should have been done.

23.133 If Karkare and Madanlal had been on police records, perhaps names of their associates could have become available. Unless the haunts of Karkare were known, it would be difficult to look for him in different parts of the Province of Bombay.

23.134 The evidence before the Commission shows the following lacunae in the investigation by the Delhi Police.

Lacuna No. 1—

23.135 The first failure on the part of the Delhi Police was not to send for Bombay police to Delhi for stationing them to guard Mahatma Gandhi and to act as watchers and spotters whenever needed, and that Mr. Sanjevi did not get into touch with the Bombay Provincial C.I.D. direct. But this much can be said in this favour that he got into touch with Mr. Rana at Delhi but it turned out to be sterile as Mr. Rana proceeded at a snail's pace and was as comfortable as Mr. Sanjevi and did not requisition his C.I.D. force or put them into immediate action against the proprietor of the 'Hindu Rashtriya' whose identity he failed to discover, a failure in which he must share the blame with a much more experienced and more senior officer, Mr. Sanjevi, who had come to occupy the top police job in India—of Director of Intelligence Bureau. If this name had been discovered earlier as it should have been, the whole case would burst and the conspirators would have been nabbed" before they got to Delhi.

Lacuna No. 2—

23.136 It was argued that Madanlal should have been sent to Bombay, Poona, and Ahmednagar, with the Delhi police after his statement made on January 24, 1948. He could have been confronted in all these places and would have been interrogated by the police there. Crime Report No. 6 shows that during the interrogation of Madanlal by the Bombay Police on February 4, 1948, Badge was brought from Poona but he denied all knowledge of the conspiracy. When he was confronted with Madanlal accused, who identified him as the Sikh Maratha referred to by him, and after he was subjected to searching interrogation, Badge broke down and made a clean breast of the whole conspiracy and the persons involved therein. He said that the attempt on Gandhiji's life on January 20, 1948, was in pursuance of this conspiracy. It was rightly submitted that what was done after the murder should have been done after the 24th January, if not after the 20th, when Ex. 6 according to Delhi Police was made.

Mr. A.N. Bhatia, Wit. 17—

23.137 Mr. Amar Nath Bhatia Police Superintendent of New Delhi, witness No. 17, said that he did not know anything about Mr. Sanjevi's orders for Madanlal to be taken to Bombay, but D.S.P. Kartar Singh, wit. 26, said that he had a distinct recollection that before the murder it was proposed by Mr. Sanjevi that Madanlal should be flown to Bombay so that the Bombay police could interrogate him and arrangements were made to put that proposal into effect but Mr. Sanjevi countermanded his previous orders and Madanlal was not sent.

23.138 Rai Sahib Rikhikesh, witness No. 13, when recalled said that there was a proposal to send Madanlal to Bombay before the murder but he could not say why it did not materialise.

23.139 This matter was put in the questionnaire to the Intelligence Bureau and to the Government of India. The former in reply to Question No. 28 said that there was no record in the Intelligence Bureau in regard to the matter. The latter in reply to Question No. 36 also replied that in spite of diligent search it was not possible to find any record dealing with the matter.

23.140 The course of investigation in Bombay after the murder and the comparatively quicker and successful results of the investigation in Bombay leads one to the conclusion that if this course had been adopted, the course of events might have been different. It cannot be overlooked that we are looking at the matter 21 years after the occurrence.

Lacuna No. 3—

23.141 In Ex. 1 which is the fuller statement of Madanlal dated January 24, the name of the newspaper "Hindu Rashtriya" of Poona was given and also its proprietor was mentioned. Although it should have been possible for Mr. Sanjevi to find out the identity of the proprietor, he did not do so. A reference may be made to Exs. 198, 199, 199-A, and 201. Ex. 198 is an extract from the Bombay list of newspapers and their proprietors and editors and relates to

"Agrani" where the names of Apte and Godse are given as proprietor and editor, respectively. Ex. 199 also relates the "Agrani". Ex. 199-A is an extract relating to "Hindu Rashtra" a Marathi Daily of Poona, wherein N.V. Godse is shown as the printer and publisher, and the paper is described as a Savarkarite group paper. Its proprietor is N.D. Apte and editor N.V. Godse. Ex. 201 shows that a copy of this list of newspapers called the Annual Statement of Newspapers was sent to the Government of India, Home Department, and Government of India, Information and Broadcasting Department.

Mr. M.K. Sinha, Deputy Director, Intelligence Bureau, has stated before the Commission that the names of the editor and the proprietor of a paper could have been available to the police at Delhi from the C.I.D.

Lacuna No. 4—

23.142 The Delhi Police and the Intelligence Bureau failed to use the Intelligence Bureau records because that contained important information regarding Madanlal. Inspector Balkundi of Ahmednagar had sent a report dated 7/10th December, 1947 to the Intelligence Bureau. This is Ex. 195. This was addressed to the Assistant Director (P), I.B., Ministry of Home Affairs. There are endorsements on it showing that Mr. Hooja dealt with it on 14th January and Mr. M.K. Sinha, the Deputy Director, also on the same date. The report of Inspector Balkundi regarding Madanlal in the Intelligence Bureau had a seal put on it with the word "Indexed". This word "Indexed" was stamped on the Provincial C.I.D. report from Ahmednagar which is separately marked as Ex. 66-A. In this report the complaint against Madanlal was in regard to his leading a procession of refugees and shouting slogans against Muslims and "Vir Savarkar Ki Jai" showing that the procession which had been taken out had a Savarkaristic association and complexion.

23.143 Mr. M.K. Sinha, witness No. 44, was asked about this indexed document. He said, "We in the Bureau did not connect this Madanlal with the Madanlal Kashmiri Lal The name of Madanlal Kashmiri Lal is misleading and it would not be possible for the Bureau to at once connect a particular name with the name indexed in the Bureau". He was further examined on this matter and he stated as follows—

"Q. From the fact that Madanlal was from Bombay should it not have struck the members of the Bureau to look into their indexing system?

A. If I were the incharge of the Investigation, I would at once have asked my own office as well as the offices of the various provincial C.I.D. to see whether the names which transpired from the various statements were or were not in the index cards".

It appears that although the subject indexing was done on 29th or 30th January, 1948, the name of Madanlal was not brought on in the index list till December 1, 1948. In this connection Mr. Kotwal argued that Mr. Sanjevi did not make use of his own record. He did not ask his own officers nor did he ask Mr. Reghe who was C.I.O., Bombay.

23.144 The Intelligence Bureau was questioned in regard to the system of indexing and in reply to question No. 1 of the Questionnaire it said—

"There is a system of index cards in the Bureau. The names of persons or subjects connected with general agitation such as: Civil Disobedience, Seditious speeches, etc. were more sparingly marked than those of persons concerned with violence and active revolutionary movements. The names of Indians abroad were also marked more freely than they would be if they were in India. Only the names of persons of very real importance were to be marked when their activities were confined to their own Province. The Bureau's main concern was with persons whose activities were inter-Provincial or international".

23.145 In reply to another question, it was said that when a card is prepared for an individual his identity is indicated and very briefly reasons are also indicated on the card. Madanlal's card shows that he was a refugee and led a procession of refugees in Ahmednagar. The exact date is not given. At any rate, this much is clear that the name of Madanlal had been sent up by the Ahmednagar Police in connection with his activities in Ahmednagar. This document was seen in the Intelligence Bureau by high officials and his name was indexed, though not in connection with anti-Gandhi or political activities.

23.146 In the Times of India of 21st January, 1948, Ex. 106, the name of Madanlal was given out as the person who threw the bomb and it was stated that his companions had escaped in a car but they had not been apprehended till midnight. Madanlal stated that he was from Montgomery and had migrated to Bombay and had returned to Delhi and was staying at the railway station.

23.147 In the Daily Statesman of 21st January (Ex. 106-A) the name given was Madanlal who was carrying a ration card in the name of Balbir Singh and it was stated that three of his companions had escaped in the confusion and that policemen have been posted at all exits from the city. Besides this, it was stated that there was a formidable plot on the life of Mahatma Gandhi; and the hand-grenade found on the person of Madanlal was to be used against Mahatma Gandhi himself.

23.148 In the Hindustan Times of 21st January, Ex. 106-B. account is given of the arrest of Madanlal. This news is given on the front page but in a comparatively unimportant place with an unimportant heading "Bomb Goes Up Near Prayer Ground". There also the bomb throwing was taken as an attempt on the life of Mahatma Gandhi. In that newspaper the statement of Madanlal as given does not disclose that he had gone to or was connected with Bombay.

23.149 Therefore, one would expect the Director of the Intelligence Bureau to get his own records searched for any clues regarding the bomb thrower and one would also expect that the name Madanlal would tingle in the memory of two high officials like the Deputy Director and an Assistant Director; yet these are matters which the Commission cannot lose sight of (1) that the name Madanlal Kashmirilal could easily confuse an officer in Northern India where

father's name is not so appended; (2) there was nothing to connect the arrested Madanlal with Ahmednagar at least not to the knowledge of these two officers; and (3) no nominal index of Madanlal prepared till December 1948, and in the subject index prepared in the end of January 1948, Madanlal was shown as indulging in anti-Muslim activities. Besides, these two high officials were not connected with the investigation of the bomb case and evidently Mr. Sanjevi did not relish any interference whether helpful or otherwise from his subordinates as is shown by the statement of the D.I.G., Mr. Mehra, and Deputy Director, Intelligence Bureau, Mr. M.K. Sinha. But all this hardly excuses the Delhi Police and the Director of the Intelligence Bureau who was also the Inspector General in charge of the investigation of a case of that importance from seeking information from any possible source known to them or they could reasonably have been expected to think of Mr. Sanjevi should have had his own records searched.

Lacuna No. 5—

23.150 Mr. Kotwal emphasised that it was the duty of the Delhi Police to apprehend the accused persons and they could ask the outside Police for their cooperation. He referred to reply of the Government of India to Question No. 8 of the Questionnaire—

"It would be the responsibility of the Delhi Police to ensure that the persons named were apprehended or prevented from coming to Delhi, if they were not already there. To the extent such action related to persons residing outside the jurisdiction of the Delhi Police, it would have been also the responsibility of the other police authorities concerned to extend necessary assistance and cooperation to the Delhi Police".

This is really a matter discussed under No. 1 of this topic and does not require to be assessed separately. But as said under point No. 1 the Delhi police should have adopted this course.

Lacuna No. 6—

23.151 It was suggested by Mr. Kotwal that Mr. Rana was in Delhi from the 20th January to the 25th January 1948, and if he had been asked to be present at the time of Madanlal's interrogation, Madanlal would have been more informative and the very presence of Mr. Rana would have been a help in this direction. This he based on the fact that Madanlal in his statement Ex. 1 at page 29 stated that on one occasion in Ahmednagar he led a procession of 500 refugees through the town of Ahmednagar where various slogans were raised. Thereafter, a meeting was held in Arti Bazar in which high officials participated, amongst whom was the D.I.G. of Police, C.I.D., Poona, Mr. Rana, and a few others. They promised to help the refugees within a few days when a demand was made that Municipal officials should allot sites for fruit shops for the refugees.

23.152 Mr. Rana, witness No. 3, when recalled at Baroda stated that he was not present at the meeting. As a matter of fact, he was not even at Ahmednagar on that day. But he was in that town on the 18th, 19th and 20th December, 1947 and visited Visapur camp. This is a very slender basis for saying that association of Mr. Rana

with the interrogation of Madanlal would have produced more information. At the most it is speculative and that by itself cannot be taken to be a failure on the part of Mr. Sanjevi in his investigational processes.

Lacuna No. 7—

23.153 The Delhi Police officers were sent to Bombay on the 21st January. They returned from there on the 24th January and met the Superintendents of Police of Delhi on the morning of 25th January. Mr. Sanjevi's note, Ex. 7, in paragraphs 5 and 6 sets out what the Delhi Police officers on their return reported to Delhi. In these paragraphs emphasis is laid on the Police officers telling Mr. Nagarvala that one of the accused mentioned by Madanlal was the editor of the "*Agrani*" or the "*Hindu Rashtriya*" and that C.I.D. Inspector there told them that Inspector of Police from Ahmednagar had arrived and he had been told to make a search for the editor of the "*Agrani*" or the "*Hindu Rashtriya*" and that some names were given to Deputy Superintendent Jaswant Singh when he asked for information in regard to Karkare and his associates. Those names were Badge of Poona, Avtar Singh of Amritsar, Talwar of Karachi, and Balraj Mehta of Lahore. Paragraph 6 also mentions that Delhi Police officers handed over to the Inspector, C.I.D., a brief note on the case with the names and description of the accused wanted as far as known then, a point on which Mr. Nagarvala was not questioned although he was cross-examined at length.

23.154 It is surprising that after this complaint was made to the D.I.B., he never took the trouble to find out from Nagarvala as to what had happened. It is true that he did tell Mr. U.H. Rana of the complaint by the Delhi Police officers but he never found out from Nagarvala himself what had happened. As submitted by Mr. Kotwal, from 21st January, 1948, to 27th January, 1948, the D.I.B. who was also the Inspector General of Police, Delhi, did nothing and even after the fuller statement of Madanlal a copy of which was given to Mr. Rana on the 25th, he took no steps to get into touch with the Provincial C.I.D., Poona, to find out as to who the proprietor of the "*Hindu Rashtriya*" was. The Commission is not overlooking the fact that Mr. Rana was himself the D.I.G. (C.I.D.), Bombay.

23.155 Even when Rana and Nagarvala rang him up on the 27th evening and Rana told him that Nagarvala had good reasons for not allowing Police officers to move about in Bombay, and Nagarvala gave the information in regard to the theory of kidnapping of Mahatma Gandhi, there is nothing in paragraph 8 to indicate that Mr. Sanjevi demurred in any way to or reacted sharply or even mildly against this rather unusual theory on which Nagarvala was working. All that he said in paragraph 8 is, "I asked him about the absconding accused whose names or descriptions were given to the Delhi Police by Madanlal". This paragraph does not go further and say which names or what descriptions had been given to Nagarvala by the Delhi Police officers. Mr. Nagarvala has denied any such question having been put to him.

23.156 If, as it is claimed, Madanlal had indicated in his statement of the 20th January, Ex. 6, the proprietor of "*Hindu Rashtriya*" or the editor of the "*Agrani*" to be one of his companions, the Commission is unable to find any reason why the D.I.B. did not at once

find out as to who the persons were and direct either Nagarvala or Raosahib Gurtu to apprehend those persons immediately, or as soon as was humanly possible, and get some Maharashtra policemen over to keep a watch both at the railway stations and air terminals and at Birla house so as to spot those persons if and when they came to Delhi. Whether Nagarvala was guilty of adopting an unusual line of investigation or not (which the Commission will deal with separately), there is nothing to be said in favour of the Delhi Police in having ignored to take the ordinary precautions to which reference was made by Mr. R.N. Banerjee both before Mr. Pathak and before this Commission. (See his statement before Mr. Pathak at page 58 and before this Commission at page 227, Vol. I).

23.157 No doubt, in Ex. 7, Mr. Sanjevi in paragraph 9 has stated that Delhi Police officers had repeatedly given information to Bombay Police, of all the names and descriptions mentioned by Madanlal, but it is nowhere mentioned what the names and descriptions given by Madanlal were. Unfortunately, this gentleman is dead and the Commission had no opportunity of examining him for finding out his explanation of these matters.

Lacuna No. 8—

23.158 Mr. Rana and Mr. Nagarvala on the evening of January 27, 1948, spoke to Mr. Sanjevi on the long distance telephone and gave all the information in regard to kidnapping theory and Mr. Sanjevi is not shown to have found fault with that theory or rejected it nor did he violently react against it. That appears from the statements of Mr. U.H. Rana and of Mr. Nagarvala.

23.159 In reply to question No. 8 of the Questionnaire to the Government of India, the Government of India stated that it was the duty of the Delhi Police to apprehend the accused persons, and if any action had to be taken outside the jurisdiction of Delhi Police, it was the responsibility of the police authorities in those jurisdictions to extend necessary assistance and co-operation to the Delhi Police.

23.160 In reply to question No. 9 of the Questionnaire the Government of India referred to the Home Minister's reply to Supplementary Question put by Pandit Balkishan Sharma in the Constituent Assembly on February 6, 1948, and to the note of Mr. Sanjevi dated February 4, 1948, Ex. 7-B, which seems to have been the basis of the reply in the Constituent Assembly. In Ex. 7-B it is stated that two police officers of Delhi were flown to Bombay and they contacted Mr. Nagarvala and "put him in full possession of all the facts known to them so far". These officers were not allowed to make any inquiries nor move about freely, and that was because Mr. Nagarvala feared that the presence of police officers from Delhi would be a set-back to his efforts in tracing the absconding men.

23.161 Commission finds little validity in this complaint. These two police officers had precious little knowledge of the City of Bombay which is a vast metropolis with the then population of three millions and a half. How these officers, even if clever and experienced, were to look for and spot Karkare in Bombay is beyond one's comprehension. In the matter of investigational utility their value was practically nil. Then why this complaint?

23.162 The two police officers returned after two days. On the 25th January, Mr. Sanjevi gave a copy of the statement of Madanlal made on the 24th to the D.I.G., C.I.D., Poona, Mr. Rana. This was a detailed statement. On arrival, the D.I.G. and Mr. Nagarvala contacted Mr. Sanjevi on the telephone and Nagarvala promised to send a letter by air next morning with a copy to the D.I.G., C.I.D., Poona, but no letter was received excepting the one sent on the 30th which contained no information about the assassins.

23.163 Unfortunately, the D.I.B. from the 25th to the 30th morning did nothing to find out as to what had been done in regard to the persons mentioned in the fuller statement of Madanlal; and it is still more unfortunate that the statement of the 20th January purported to have been made by Madanlal containing descriptions, names and mentioning the editor of the '*Agrani*' or '*Hindu Rashtriya*' was sent through the police officers of Delhi and yet no contact was made by the D.I.B. or by any other high ranking police officer in Delhi with Mr. Nagarvala to find out from him as to what he had done or was doing in regard to that information and why he was not asked as to why no credence was given to the information alleged to have been given by the Delhi police to him.

23.164 It is indeed a very perplexing situation. According to Delhi Police they took a document which contained the description of some of the accused persons; contained the name of Karkare; and mentioned the editor of the '*Agrani*' or the '*Hindu Rashtriya*' which fact is flatly and emphatically denied by Mr. Nagarvala and it is still more perplexing that the name '*Agrani*' is not mentioned in the fuller statement of Madanlal made on the 24th January and a copy of which was given to Mr. Rana on the 25th January, 1948, nor was it mentioned in his police statement at Bombay after the murder. In spite of the name of the '*Hindu Rashtriya*' having been mentioned, it is astounding that the Delhi Police made no effort to find out the identity of this person. It is still more astounding that the name of '*Hindu Rashtriya*' was admittedly given to Mr. Rana though it is doubtful whether it was to Mr. Nagarvala or not, and yet no effort should have been made by him on his reaching Bombay or even Poona to find out as to who this person was and to warn both the Bombay Police and the Delhi Police to be on a look-out for him. It would be unbelievable if that thing did not happen as it did, that Mr. U.H. Rana should have gone through the statement of Madanlal along with Mr. Sanjevi as Mr. Sanjevi's note shows and neither of them should, on the 25th January, have taken the slightest trouble to find out from the Intelligence Bureau or the Press Information Bureau or the C.I.D. as to who the proprietor of the '*Hindu Rashtriya*' was. Admittedly, there was mention of it in the statement of Madanlal of the 24th.

Mr. U. H. Rana, Wit. 3—

23.165 It may be remarked that Mr. Rana as witness No. 3 has denied that Sanjevi gave him the name of the '*Agrani*' or mentioned its proprietor or the editor or the name of the '*Hindu Rashtriya*', its proprietor or editor, and he was emphatic that the names of these papers were never mentioned to him. He has also stated that the correct position was as given in his correspondence with Mr. Kamte, Inspector General of Police, which are Exs. 30, 31, 31-A, 32

and 33. In his letter, Ex. 30, addressed to Mr. Kamte, he did say that the statement of Madanlal was made available to him on the 25th and it was on that day that he came to know about the mention of the editor of the 'Hindu Rashtra' daily and proprietor of *Shashtra Bhandar*, Poona, and Karkare of Ahmednagar. It appears that there is some mistake in the mind of Mr. Rana because the statement, Ex.1, does not mention the editor of the "*Hindu Rashtriya*", although it does the proprietor of the "*Hindu Rashtriya*". In the maze of documents which he studied and on account of the lapse of over 20 years he might have been led into this confusion. The correct position appears to be that on the 25th January Mr. Rana did come to know of the complicity of a person who was the proprietor of the "*Hindu Rashtra*" mispronounced by Punjabees as "*Rashtriya*". The question again arises, why was no effort made there and then to find out the identity of this person and why his full particulars were not called for from Poona as they were after the Murder and even his photographs were obtained from there as shown by I.B. file No. 13/HA(R)/59-11, Ex.254-A.

Lacuna No. 9—

Mr. Banerjee, Wit. 19 (K), Wit. 17 (Pathak)—

23.166 Mr. R. N. Banerjee as witness No. 19 before this Commission stated that he did not know of the conspiracy to murder Mahatma Gandhi prior to January 30, 1948, and the first time he came to know about it was on the 31st at the post-cremation meeting. Normally, the police should have informed him of the conspiracy in his capacity as Secretary of the Home Ministry and Mr. Sanjevi was in constant touch with him. Before Mr. Pathak as witness No. 17, he had said the same thing as before this Commission. He added that Mr. Sanjevi had not informed the Deputy Commissioner of Delhi either. Mr. Banerjee said:—

"I would put it to gross incompetence and lethargy on the part of Mr. Sanjevi that he did not care to inform either me or to remind the Bombay Police as to what action they had been taking. He had said in that meeting that he had not reminded the Bombay Police after the return of the police officers of Delhi who had been sent by him.....Mr. Sanjevi admitted that he had not reminded the Bombay Police".

23.167 According to the Punjab Police Rules, No. 24.15, special reports were to be sent by the Inspector General to the Government of India (Ministry of Home Affairs) but evidently none were sent to Mr. Banerjee. In reply to question No. 27 of the interrogative questionnaire to the Government of India, regarding the duties of the Director of the Intelligence Bureau *vis-a-vis* the Home Ministry, the position was described thus:—

"Q. 27. Would it be his duty to report all important matters, like danger to the life of Mahatma Gandhi, to the Minister of Home Affairs and also to regularly report the steps is taking or has taken to meet the danger?

Ans. It would be the duty of the Director, Intelligence Bureau, to keep the Home Minister and the Ministry of Home

Affairs informed about the threat or danger to important persons like Mahatma Gandhi. It would also be his duty to caution officers and officials working under him to remain vigilant about such threat or danger and to take such other measures necessary to collect further intelligence thereon. He would also warn the State CIDs about such developments and impress upon them their importance and urgency. In all these matters he would keep the Ministry of Home Affairs informed".

23.168. Mr. Banerjee has stated that if he had known anything about this matter, he would have taken as much meticulous care in regard to what police was doing in regard to the Bomb case investigation as he did after the murder.

23.169 It was also argued and rightly that if the Director, Intelligence Bureau, could send his own officers to Alwar, Agra, Gwalior after the murder, why should he not have done this earlier after the Bomb throwing.

23.170 Mr. M.K. Sinha, witness No. 44, said that if the information which Madanlal had given in his statement had been given to him as an I.B. officer, he would have got into touch with the C.I.D., Bombay, on the secraphone and would have told them what had happened and requested them to try to arrest the persons whose descriptions had been given by Madanlal. He would also have got into touch with the Inspector General of Police and the C.I.D., at Poona and would have been constantly in touch with them to find out the progress of the investigation.

23.171 Mr. M. K. Sinha when recalled said that the full statement disclosing a conspiracy to murder Mahatma Gandhi should have been reported to the Home Ministry, and in this particular case it was the duty of Mr. Sanjevi as Inspector General of Police, Delhi, to keep the Home Secretary and the Home Minister informed.

Lacuna No. 10—

23.172 It cannot strictly be called a failure on the part of Mr. Sanjevi himself but is a matter which does concern the conduct of the Delhi police. In the noting made in the Government of India Secretariate made on the explanation given by Mr. Sanjevi, Ex. 7, and by Mr. Nagarvala, Ex. 14, there is a remark by Sardar Patel that it was a mistake to have sent a Deputy Superintendent of Police to Bombay, a remark with which the Commission agrees particularly after having seen the whole course of conduct of the two respective forces, Bombay and Delhi police. But that fact alone was no justification for Mr. Nagarvala not trying to find out from the officers what they knew or why they had been sent.

23.173 There is one matter which has not been explained and for which explanation could not be sought from Deputy Superintendent Jaswant Singh because he is dead and Inspector Balkishan was rather ineffective. And that was why did the two Police officers who went to Bombay, besides giving the information which they allege they gave to Mr. Nagarvala and which they have incorporated in their police diaries No. 3-A and No. 4-B, not orally tell Mr. Nagarvala what

was within their knowledge besides what was contained in Ex.5-A. They would easily have told Mr. Nagarvala that they themselves were present at the interrogation of Madanlal as a consequence whereof they had made a search in the Marina Hotel for two Maratha companions of Madanlal who had stayed there but it was found that they escaped soon after the offence and before the search and that they had given their names as S. and M. Deshpande; and that they had searched the Hindu Mahasabha Bhawan where the others including Madanlal had stayed. They should also have mentioned the recovery of Ex. P-25 the statement of the Hindu Mahasabha Secretary, Ashutosh Lahiri, repudiating their acquiescence in Gandhiji's multi-point formula, which would have shown to Mr. Nagarvala that the conspirators were connected with the Hindu Mahasabha movement. That, coupled with the mention of Savarkar's name by Mr. Morarji Desai and the common name Karkare, would have led Mr. Nagarvala to adopt different investigational track and not the sterile track of conspiracy to kidnap. Besides, on search of Madanlal a hand-grenade had been found and of that the two officers should have been aware. They should have apprised Mr. Nagarvala of that fact. The explosion of a bomb, the finding of a hand-grenade, and the association of Savarkar, were all pointers to attempted political assassination by Savarkar's followers rather than kidnapping by Punjabis even if directed by General Mohan Singh of the I.N.A. which that gentleman has strongly repudiated in his statement before the Commission which statement the Commission accepts.

23.174 All these lacunae and omissions and lapses in the investigation by Delhi Police which was being conducted under the D.I.B. who was also the I.G.P. are quite substantial and serious in nature but particularly harmful were—

- (1) not communicating with the Bombay Inspector General of Police or with the Provincial C.I.D. at Poona. And if Mr. Rana's presence at Delhi can be an excuse in not sending him at once to Bombay if Madanlal had actually made the statement, Ex. 6, or at least sending somebody of a higher rank than a Deputy Superintendent of Police to tackle Mr. Nagarvala or sending some requisitioning letter from either himself or from Mr. Mehra or from a Superintendent of Police to give definite information of the facts or about the persons known upto then, as given out by Madanlal;
- (2) not getting Bombay Maratha Police to come to Delhi to act as watchers, spotters and guards at Birla House;
- (3) not flying Madanlal to Bombay as was done after the murder. The police diaries do not indicate that anything useful was obtained from Madanlal after the 24th January 1948;
- (4) not informing Mr. Banerjee of the facts of the case and progress of investigation and in not getting him to move the Home Secretary of Bombay to see what was being done by Nagarvala. If Mr. Banerjee had been brought in earlier, he would have been hammering at Mr. V.T. Deheia the Secretary, Home Department, who in his turn could have used his administrative experience to get the Provincial Police also on the move. But as to the fertility of this course of action one can only conjecture.

Mr. D. W. Mehra, Wit. 23—

23.175 Witness No. 23, Mr. D.W. Mehra, at the relevant time was the Deputy Inspector General of Police at Delhi. He was a N.W.F.P. Officer. His statement is that there was resentment against the Mahatma because of his insistence on giving 55 crores. There were no big demonstrations outside Birla House at the time but people occasionally objected to the recitation of the Quran at the Mahatma's meetings. Before the bomb was thrown there was no indication of any danger to his life. When his attention was drawn to the statement made by other witnesses that people used to shout "GANDHIJI KO MARNE DO", his reply was that that was never brought to his notice nor could he recollect anything about large crowds collecting outside Birla House and shouting such slogans.

23.176 News of explosion of the bomb was conveyed to him between 6 and 7 P.M. on 20th January. The information was that a bomb had been exploded but no damage had been done and nobody was injured, and that Mr. Sanjevi had taken over charge of the investigation. As he himself had high temperature he could not go to the place of occurrence.

23.177 He attended Mahatma's prayer meetings between the 21st and the 24th after which he fell ill again. He did not do any investigation himself. But he was kept informed about it by Police Superintendent A.N. Bhatia, who told him that Madanlal had given a description of his co-conspirators and they belonged to Bombay province and the name of one of them was Karkare. All that is contained in his note. Additional police was ordered to be posted at Birla House after the bomb incident and Mr. Mehra gave them general instructions as to what was to be done by them. He himself went to the Mahatma and suggested that strict screening of the visitors was necessary. He did not know whether any instructions had been given to the Police to keep a watch on Marathas (really Maharashtrians) from Bombay Province.

23.178 The statement of Madanlal made on 20th was read out to the witness and he was asked whether from that it should have struck the Police that the likely assailants were from Maharashtra; his reply was in the affirmative. When asked if he had given instructions to the Police to keep a watch for this class of persons, he said that he gave no such order, because Mr. Sanjevi was incharge and he was looking after the entire matter. He himself did not make any suggestion in regard to this matter. When asked whether Poona Police, if it had been called in and posted outside Birla House, would have been able to spot the future murderers, he replied, "it is possible that they might have been able to do it. It is also possible that they might not have been able to do it. The question is highly hypothetical".

23.179 If they had ordered even suspicious looking persons to be searched, it would have annoyed Gandhiji and he would have left Delhi. It was not correct, he said, that when an offence is committed by a person from another Province, the Police of that Province would be called in to help in the investigation. It might happen in important cases but not ordinarily. He could not say why Bombay Police was not called in.

23.180 He met Mr. Rana, D.I.G., Poona, and he was told by Mr. Sanjevi that a copy of Madanlal's statement had been given to Mr. Rana but he could not say whether it was a full confessional statement or any other. Nor did he know whether any precautions were taken to watch people arriving in Delhi by air, rail or road. But he was sure that some precautions must have been taken. As far as he could recollect he neither met Mr. Banerjee nor Mr. Randhawa between 20th and 30th January, 1948. When asked how he came to send a note, Ex. 10, to high-powered committee on the 31st January, he said that he was directed by Mr. Sanjevi to get hold of Bhatia or Rikhikesh and after getting the facts from them to prepare a note, which was sent to Mr. Sanjevi to correct. It was retyped and sent to the high-powered committee. Thus, Mr. Mehra accepts no responsibility for the note submitted and throws all responsibility on his subordinates. Mr. Mehra produced a copy of this note, Ex. 10-A, which also gives the names of the persons present at the meeting, which could not have been in the original note, Ex. 10, as no one could then know as to who would be present at the meeting.

23.181 He sent a note to Mr. Banerjee in the second half of March of 1948, Ex. 44. Unfortunately, this is a copy which is not signed and is not dated. This was to clear up some points about which Mr. Banerjee had doubts.

23.182 By January 1948 the communal situation in Delhi had been brought under control.

23.183. He was cross-examined by Mr. Vaidya. He was asked why he wrote that Rana flew to Bombay when he actually went by rail. His reply was that somebody must have told him that Rana was flying and that is why he must have written it. As to who told him he was unable to say.

23.184 When asked if he had seen the original Police diaries submitted to the D.I.G., his answer was in the negative because he was ill during those four days; they must have been sent to his office and endorsements made by somebody in that office. Both the District Police and the C.I.D. were working on this case under Mr. Sanjevi. When Mr. Banerjee's statement that Mehra used to meet him between 20th and 30th January and he never mentioned the fact of conspiracy to him was read out to the witness, he said that as far as he could recollect, he did not meet Mr. Banerjee. He did not think it to be correct that Mr. Randhawa had suggested to him that people coming to prayer meeting should be searched. Nor would he ordinarily go to the Deputy Commissioner to discuss such matters with him. He used to meet Mr. Randhawa at Home Ministry meetings but had not met him during that period because he (Mehra) was ill. He saw Madanlal's statement for the first time in February 1948 and he could not say whether he saw the short statement made on the 20th or the fuller statement made on the 24th, nor could he remember whether it was sent to his house by the Superintendent of Police.

23.185 When asked by Commission whether a statement of such importance would ordinarily be sent to him, his reply was "yes" but it would have been sent to his office because of his illness. But he admitted that a gist of the statement was given to him by Superintendent Bhatia. He himself did not try to find out anything because the

matter was under Mr. Sanjevi's control. He was shown the statement of Inspector Balkishan that copies of statement of Madanlal dated 20th January were sent to all higher Police officers. His reply was that he could not remember. But the copies must have been sent to his office. He himself was giving no directions nor passing any orders.

23.186 Mr. Mehra's attention was drawn to his affidavit of the 4th March, 1967 where he stated that on 21st January he went to see Sardar Patel and told him what had passed between him and Gandhiji. He replied in the affirmative. When asked if it was in consultation with him, as stated by Mr. V. Shankar, that the Police force was strengthened at Birla House, he said it was not in consultation with him. He was out of the picture. He had on his own volition resolved to attend the prayer meetings whenever he could. He admitted that he did get information about the explosion of the bomb on the 20th January but could not say who gave him the information whereupon he went to the place of occurrence on the 21st. He was informed by Bhatia or someone else that Jaswant Singh and another had been flown to Bombay, but these officers were not sent after consultation with him. He came to know about it after the officers had been sent. He was later told by Superintendent Bhatia or Rikhikesh that the officers were told not to do anything on their own but to leave the whole thing to the Police in Bombay because Mr. Nagarvala knew about the conspiracy and he was taking all effective steps but he could not remember when those people told him about the return of the officers.

23.187 Mr. Mehra again repeated that the note which was sent to the high-powered committee was prepared by him because Mr. Sanjevi had asked him to do so. He got the facts from Bhatia or Rikhikesh and prepared a note and sent it to Mr. Sanjevi who made corrections. When asked why in that statement he did not refer to the fuller statement of Madanlal, his reply was that he got the facts from Bhatia and Rikhikesh and whatever they told him to be the statement of Madanlal he accepted it. He did not know at the time that a fuller statement had been made. It was correct that he did not mention either the 'Agrani' or the 'Hindu Rashtra' in his note; that was because he had seen neither of the statements and the facts were given by Rikhikesh or Bhatia.

23.188 When he was asked if it would be correct to infer from this that the 'Agrani' or the 'Hindu Rashtra' or their editors were never mentioned by Madanlal and it was afterwards that the fact was introduced, his answer was that he could not say anything because he had not seen the original statement. He took the facts from Rikhikesh or Bhatia. Reference to all Police officers in his note was to Police officers in Delhi and not Police officers outside Delhi. Presumably the only facts which could have been sent to those officers were the ones which were given in his note at page 3. It was not possible from the descriptions given in his note to identify Nos. 1, 2, 5 and 6 but it might have been possible to identify 3 and 4. He himself had no personal knowledge about anything nor was he consulted. He came to know about the conspiracy to murder Mahatma Gandhi on the 21st probably from Bhatia or Rikhikesh. He himself had no personal knowledge of what statement Madanlal had made or what statement of Madanlal was given to Mr. Rana. Upto the 1st February 1948 he was

not aware of the steps the Bombay Police had taken as to the information that was sent to them and it was not his duty to find out what was happening there particularly when he was not well. He could not remember discussing question of conspiracy with Mr. Bannerjee on the 21st or after the 21st.

23.189 When cross-examined by Mr. Chawla, he said that in his opinion the bomb was not thrown as a matter of demonstration only. But he could not say whether it was to murder Mahatma Gandhi or to threaten him but it was not an attempt to kidnap Gandhiji.

23.190 It was the duty of the Superintendent of Police to inform the District Magistrate of any important occurrence which took place in Delhi; whether he did so or did not he could not say but he should have done so. The D.I.B. had direct approach to the Secretary, Ministry of Home Affairs and he could have given this information to him and he should have done so. When asked what is expected of an officer of the rank of Nagarvala to do when the information was given to him, he said normally an officer of the Bombay Police should have been deputed to help these police officers in the investigation of the case.

23.191 The evidence of this officer is not of much importance because he does not seem to have been able to take much interest in the investigation. He was, as he says, ill most of the time although other witnesses, e.g. Mr. Bannerjee etc. seem to have met him during that period. He himself out of his volition had undertaken to attend Gandhiji's prayer meetings and did as a matter of fact interview him to get his consent to proposals of security measures. As the matter is old, there can be honest differences as to certain events. Secondly, Mr. Sanjevi himself had taken charge of investigation and evidence shows that he was averse to anyone else interfering in his investigation; even his Deputy, Mr. M.K. Sinha was snubbed by him.

23.192 However, this officer sent a note, Ex.10A, to the high powered meeting on February 1 or 31st January, 1948. That did not mention the editor or proprietor of the *Agrani* or the "*Hindu Rashtriya*". But his explanation is that it was prepared by or from the material supplied by his subordinates, i.e., Superintendent Bhatia or Rikhikesh. Whatever be the modus of preparation of the document, it has an apparent and important omission. The Commission is unable to get much assistance from this officer's statement except what has been said above. It appears that illness and Mr. Sanjevi seem to have been responsible for his ineffectiveness.

M. K. Sinha, Wit. 44—

23.193 Witness No. 44, Mr. M.K. Sinha, Deputy Director in the Intelligence Bureau, stated that there was a very strong Hindu Mahasabha and R.S.S. movement in Maratha speaking part of Bombay and C. P. and parts of Bihar but he could not say that there was an anti-Gandhi movement although there was a great deal of anti-Gandhi talk in those parts especially because of Gandhiji's attitude towards Pakistan. He received no reports from Bombay or C.P. about anti-Gandhi movement which was likely to burst into violence and he had had no reports of that kind from Ahmednagar or from Poona. As he was Deputy Director 'A' and in charge of communal and political

matters in the country, he received no reports from Bombay or C.P. about any movement tending to use violence against Gandhiji or against the Prime Minister Jawaharlal Nehru.

23.194 He had no information about the conspiracy but had heard rumours that the person who had thrown the bomb had made a confession suggesting the existence of a conspiracy. No information was officially received by him in the Bureau in regard to the conspiracy or the persons who were in it. He had heard only rumours that Madanlal had made a confession. Mr. Sanjevi himself gave him no information and knowing Mr. Sanjevi as he did, he could not ask him anything. If any reports were coming from Bombay in regard to persons who were subsequently prosecuted for the murder of Gandhiji, they must have been with Mr. Sanjevi who never took the senior officers of the Bureau into confidence.

23.195 On the day of the funeral he asked Mr. Mehra as to what they were doing to protect Gandhiji. His reply was that Gandhiji did not want police protection.

23.196 He added, "I asked him why he could not have a cordon of plainclothes policemen around Mahatma Gandhi. I cannot remember what he said."

23.197 On 31st January, 1948, after the funeral there was an informal meeting at the house of the Home Minister. Amongst those who were present were the Prime Minister, the Premier of U. P., Mr. R. N. Bannerjee and Mr. Sanjevi. The witness has heard that Madanlal's statement was read by Pantji who asked Sanjevi as to why he did not arrest or arrange to get those persons named by Madanlal arrested. His reply was that no names had been mentioned in the statement. But Pantji told him that descriptions and some addresses were mentioned and he could easily have arrested those persons.

23.198 The witness was shown Ex. 36 or Ex. 6 and he was asked if he could arrest anyone from the description given thereunder. His reply was in the affirmative and he mentioned the person described at No. 5, i.e., the editor of the *Rashtriya and Agrani*, Karkare and Maharaj because the information regarding the editors and managers of the newspapers was always available with the C.I.D.

23.199 The witness was then shown Ex. 5A and he was asked if he could arrest anybody from that. His reply was:—

"It is possible from this statement to trace some of the conspirators in Bombay particularly those who used to visit Deccan Guest House, Ahmednagar. Once Karkare's name was mentioned and he could be located it should have been possible to arrest others. This could have been done by keeping a watch all the 24 hours over Deccan Guest House or over Karkare or wherever he was residing.

Ex. 5A looks like an *aide memoire*."

23.200 He was shown the police case diaries and he said that it had appeared to him that the information about the conspirators

must have been obtained on the first or the second day after the arrest of Madanlal. He added that:—

"I still think that if adequate and prompt action had been taken to locate the persons described in Madanlal's statement, then the assassination should have been prevented. I had heard rumours when I was here that whispers about the conspiracy were current in Bombay and were even known to officials."

23.201 The witness said that if information had been given to him about Madanlal's statement, he at once would have got into touch with the Bombay C.I.D. on the secraphone and told them what had happened and that they should try to locate and arrest the persons whose descriptions had been given by Madanlal. If there were two C.I.D.s, he would have got into touch with the Inspector General of Police and he would be in touch with the Bombay C.I.D. or the Poona C.I.D. constantly to find out the progress of the investigation.

23.202 He himself had no information about the hostile camp at Poona. Mr. Sanjevi may have given information to the Home Minister but he gave no information to the witness. He could not say whether Mr. Sanjevi went to Sardar Patel as Inspector General or the D.I.B.

23.203 The witness never saw a copy of the statement of Madanlal before it was handed over to Mr. Pant. Whatever came to the I.B. was regularly kept in the files. The D. I. B. or the I. G. P. should have got information from the Special Branch of the C.I.D. Bombay.

23.204 In reply to a question by the Commission, the witness said—

"If I had been in charge of the police in Delhi, after knowing that the persons in the conspiracy were Maharashtrians, I would have got some plainclothes men from Maharashtra and would have placed them as kind of identifiers so that no stranger or suspicious person approached Gandhiji".

"It would have been better if Madanlal had been taken to Bombay as it was proposed at one time because it might then have been easier to identify persons in the conspiracy and to arrest them".

He added that if the information had been given to him in Bombay he would have the persons mentioned by the Delhi Police to be shadowed and bottled them in Bombay.

23.205 The evidence of this witness shows what attitude Mr. Sanjevi had regarding his subordinates. It also shows that there was a strong Hindu Mahasabha and R.S.S. movement in Maharashtra, Nagpur and Bihar. But the witness could not say if there was an anti-Gandhi movement though there was anti-Gandhi talk. There were no reports of a violent anti-Gandhi propaganda in Ahmednagar or in Poona, nor were there any reports of mentioning violent anti-Gandhi intentions of anyone.

23.206 To protect Gandhiji, a cordon of plainclothes policemen should have been put, he said.

23.207 After the murder, he was put in charge of the security of the Prime Minister and the Deputy Prime Minister.

23.208 If he had been in charge of investigation of the bomb case, he would have sent for Bombay Police as identifiers and would have sent Madanlal to Bombay.

Dasondha Singh, Wit. 14—

23.209 Witness No. 14, Sub-Inspector Dasondha Singh (now Inspector) was the Station House Officer of the Tughlak Road Police Station within the jurisdiction of which lay Birla House. The First Information Report was written at his instance though the informant was Mr. K.N. Sawhney, P.C.S. He reached Birla House about 6.00 p.m. and interrogated Madanlal and then made recoveries from his person. From Birla House Madanlal was taken to Parliament Street Police Station where he was interrogated by senior police officers and whatever was stated by him was taken down by this witness and incorporated in his case diary No. 1. Thus, he is definite that the first case diary contains the statement made by Madanlal on 20th January, 1948.

23.210 This witness said that on the very first evening Madanlal disclosed that one of the conspirators was the manager of the "Rashtriya" paper and another was the editor of the "Rashtriya and Agrani" Maratha newspapers and had given his name as Deshpande. Another name disclosed was Karkare and the rest of it was descriptive as given in paragraph 15 but wrongly taken down as paragraph 16 in his statement.

23.211 No one stated before him that the object of the conspiracy was to kidnap Mahatma Gandhi.

23.212 Before the two officers Deputy Superintendent Jaswant Singh and Inspector Balkishan left for Bombay they took from him a copy of the statement of Madanlal which had been recorded by him and that was the only statement recorded before midnight of January 20, 1948.

23.213 This witness did not know anything about Ex. 5. It might have been given as a gist of the statement which Madanlal had made to him. That is in paragraph 15 of diary No. 1.

23.214 The first statement which Madanlal made, according to this witness, had been verified during the investigation to be correct. This witness did not know if anybody had preserved the notes taken down by Deputy Superintendent Jaswant Singh of the statement of Madanlal which he made at Birla House.

23.215 He was asked if the recovery of the clothes marked "N.V.G." and the name given by Godse as Deshpande in the hotel register did not put him on guard as to who "N.V.G." would be. His reply was that it was difficult to make inquiries at that stage.

23.216 In diary No. 11 dated 30th January 1948 written after the murder of Mahatma Gandhi, there is an entry that "Nathuram Vinayak Godse" was the same person who had gone to Birla House with Madanlal and was his accomplice in the bomb case and he was the very man who was described by Madanlal as editor of the Rashtriya newspaper and who had stayed at the Marina Hotel.

23.217 In cross-examination he said that Deputy Superintendent Jaswant Singh was present when Madanlal made his first statement. Therefore, it was not necessary for him to state in the case diary that he had given a copy of the statement to him (Deputy Superintendent Jaswant Singh). He reiterated the fact that Jaswant Singh must have taken a copy of the statement of Madanlal which he, the witness gave to him, i.e., the statement made on the very first day and that it was not necessary to so state in the diary. What the witness did give to Jaswant Singh was the Urdu copy of the statement.

23.218 In cross-examination by Mr. Chawla he said that Madanlal had not given the name of Godse. As far as he knew, Madanlal did not know his name. He only gave the description which was incorporated in the case diary. Madanlal did not tell him what places the conspirators belonged to and in spite of their best efforts they could not get any more information from Madanlal.

23.219 The evidence of this witness shows that—

- (1) Madanlal made the statement incorporated in paragraph 15 the first case diary on 20th January, 1948.
- (2) An Urdu copy of the statement was given to Deputy Superintendent Jaswant Singh but it is not mentioned in the case diary as Jaswant Singh was present at the interrogation of Madanlal.
- (3) In his first statement, Madanlal did not give the name of Godse but mentioned the editor and the manager of the "Hindu Rashtriya" and Agrani Maratha newspapers.
- (4) The editor had given his name to Madanlal as Deshpande.
- (5) He does not know anything about Ex. 5 or Ex. 5A.

Inspector Jai Dayal, Wit. 16—

23.220 Witness No. 16, Inspector Jai Dayal joined in the interrogation of Madanlal on January 21 at 5.00 p.m. but he could not say from memory what Madanlal had stated at an earlier date if he did so at all.

23.221 He stated that the full confessional statement of Madanlal was written by him in English and then it was typed. Paragraph 6 of case diary No. 5 shows that the typed copy was taken by this witness to C.I.D., meaning the officers of the C.I.D.

23.222 He stated that they interrogated Madanlal at great length and whatever they got from him was contained in what is called the full confessional statement. But he could not say whether any copy of it was sent to Deputy Superintendent Jaswant Singh.

NOTE—This is probably a mistake because Deputy Superintendent Jaswant Singh had left much earlier. Probably the correct thing was about sending it to Bombay and not with Deputy Superintendent Jaswant Singh.

23.223 In cross-examination he stated that he did not know whether Ex. 5 was recorded by him or by somebody else.

NOTE—At that stage the Commission had not been able to get the original Ex. 5A.

23.224 Before starting the interrogation of Madanlal, he did not have any police papers before him. The only thing he knew was that Madanlal had thrown a bomb and had been arrested at the spot. He did not even know what investigation had been carried out before. He said that the statement made by Madanlal on the 20th night and recorded in case diary No. 1 was not given to him. Before the 23rd January no statement had been made to him by Madanlal. Whatever statement was made was recorded on the 23rd and completed on the 24th. As far as he could remember, during the interrogation of Madanlal Rai Sahib Rikhikesh was not present. The witness was in the investigation of the case for three or four days as from the 21st January. He was only interrogating the accused and recording his statement. The full statement of Madanlal which he recorded was in English.

23.225 So this witness can throw no light on the authorship of Ex. 5A or the occasion of its being prepared, and all he did was to interrogate Madanlal on 23rd January and record his statement in English.

Mehta Kartar Singh, Wit. 21—

23.226 Mehta Kartar Singh, witness No. 21, was an Inspector in the C.I.D. at the time the bomb was thrown. He took part in the investigation soon after the offence was committed and interrogated Madanlal first at Birla House and then at Parliament Street Police Station. The others present at the time were Police Superintendents A. N. Bhatia, Pt. Jagan Nath and Rai Sahib Rikhikesh besides Deputy Superintendent Kartar Singh. After looking at Ex. 36, the first alleged statement of Madanlal, he said that the statement was about that long. Whatever was contained in that document correctly represents what Madanlal stated. He gave one name, i.e., Karkare, and gave the description of others, and whatever was stated at No. 5, i.e., editor of the "Agrani" and "Hindu Rashtriya" was a correct record of what was given by Madanlal.

23.227 He was told that the officers going to Bombay took a document with them containing the description of persons as given by Madanlal. He was shown the *precis* Ex. 5 but as he had not seen it before he could not say whether that was taken to Bombay. He could not say anything about the fictitious number of the car DLH 9435.

23.228 He went with the police party to Marina Hotel on 20th January and they came to know that some of the associates of Madanlal stayed there. On search they only found a "printed hand-bill" and nothing more. The two associates had stayed there under the name of Deshpande.

23.229 They did not send anybody to the railway station or the bus stop at it was late in the night, to prevent the escape of Madanlal's companions but the Superintendent of Police did send some people.

23.230 He himself did not give any description of the accused but Superintendent of Police must have done so.

23.231 He stated that the police practice was that as long as the accused was in police custody, they continued to interrogate him and

record what was stated by him and when the statement is finished, it is put in as a consolidated statement and Ex. 1 was that statement.

23.232 Hotels were, as a matter of routine, checked every day by the C.I.D. staff and the Frontier Hindu Hotel and the Sharif Hotel must have been so checked on the 20th but he himself did not go to any hotel other than the Marina Hotel. He went to the Sharif Hotel on the 24th. He could not say whether after the description he got from Madanlal any instructions were given to the C.I.D. police to check those hotels with the particular object of finding out the companions of Madanlal.

23.233 In cross-examination, he stated that as a C.I.D. officer he did keep diaries which were sent to his superior officers but he could not say what had happened to them. In his first statement, Madanlal did not give the towns to which the companions belonged but he gave some details from which it was possible to find out their places of residence or of their activities. He gave the name of editor of "Hindu Rashtriya" and "Agrani" from which it was easy to find out who he was referring to and it was for the officers who went to Bombay or for the Bombay Police to find out about this newspaper. He was asked if it was not possible to find out about Gopal Godse and Karkare, who stayed for the night of 20th and the 21st at the Frontier Hotel, had there been a routine check by the C.I.D., he replied he could not answer that question.

23.234 In cross-examination by Mr. Chawla, he said that he knew that a statement of Madanlal was taken to Bombay by the police officers because this was discussed among the officers at the time.

23.235 On their return from Bombay, the police officers were complaining of lack of cooperation from the Bombay Police. But he could not remember which Bombay officer's name was mentioned by the Delhi Police officers. He could not say whether Madanlal was deliberately not giving the names of his companions. Madanlal must have been examined for about two hours on the 20th by this witness. Madanlal gave the name of Karkare as "Kirkree" and so it was taken down like that. The other particulars were given by Madanlal and they were so taken down. From the examination of the Marina Hotel registers he concluded that the persons staying there were Maharashtrian. Putting the statement of Madanlal with what they learnt at the Marina Hotel, they concluded that the companions of Madanlal were from Bombay side.

23.236 The statement of Inspector Mehta Kartar Singh thus shows—

- (1) In the first statement of Madanlal, the editor of the Rashtriya and Agrani was mentioned but it was not disclosed where the conspirators belonged to.
- (2) The mention of the name 'Deshpande' showed that the accomplices were Maharashtrians from Bombay side.
- (3) Hotels in the city were checked as a matter of course but as a matter of fact the Sharif Hotel was checked on 24th January and the Frontier Hotel after the murder.

Kartar Singh, Wit. 26—

23.237 Witness No. 26, Kartar Singh, was Deputy Superintendent of Police, C.I.D. at the time of the bomb incident. He said that before and even on the 20th January 1948 the Delhi Police did not know that Mahatma's life was in danger. The statement, Ex. 36, which is paragraph 15 in the first case diary, was taken down in his presence. Beyond giving the name of Karkare and the description of other co-conspirators Madanlal could not give any other information as to their identity, but he did mention the name of a newspaper *Hindu Rashtriya* whose editor was one of the conspirators.

23.238 The witness had a distinct recollection that Mr. Sanjevi had, before the murder, ordered that Madanlal should be flown to Bombay so that he could be interrogated there but somehow or the other Mr. Sanjevi countermanded his previous orders.

23.239 Arrangements were made for watch at the railway stations but the description given was so meagre and so uninformative that it was not possible to arrest anyone. Mr. Sanjevi did all he could in the matter of investigation. The witness was of the opinion that the Bombay C.I.D. was superior to the C.I.D. organisation at Delhi. In Delhi it was at that time disorganised and was a hotch-potch. He had no recollection whether a copy of the fuller statement of Madanlal was sent to Bombay or not. His attention was drawn to case diary No. 6 at page 49 (English copy) where it is stated that officers of the Hindu Mahasabha and other important places should be secretly watched because the Hindu Mahasabha and the R.S.S. had a hand in the conspiracy and they had a strong foothold in Delhi. He said that attempts were made to find out from the places mentioned whether any of the conspirators was still in Delhi.

23.240 Whatever was stated by Madanlal was correctly taken down by Dasondha Singh on the 20th January but the records were not searched by this witness to find out who the editor of the *Agrani* or the *Hindu Rashtra* was, nor did he know why the orders for sending Madanlal to Bombay were countermanded. From the 21st onwards, important hotels were covered and a watch kept. That was the practice.

23.241 The statement of this witness, Deputy Superintendent Kartar Singh, thus corroborates the fact that—

- (1) The statement, Ex. 36, i.e., paragraph 15 of the first case diary was made by Madanlal and correctly recorded by Dasondha Singh.
- (2) Name of Karkare was disclosed.
- (3) Madanlal did mention the editor of the *Agrani* or the *Hindu Rashtriya* newspaper.
- (4) From 21st onward important hotels were watched. Of this, Commission finds no evidence.
- (5) The Hindu Mahasabha and the R.S.S. were suspected as having a hand in the offence.

Dayal Singh, Wit. 60—

23.242 Deputy Superintendent Dayal Singh, witness No. 60, was a District Inspector of Police in January 1948. He was associated with

the investigation of the bomb case from 21st onwards. He stated that he took part in the interrogation of Madanlal on the 21st and again on 22nd January and interrogation was continued on the 23rd also. He continued the interrogation on the 24th upto 9.30 p.m. but before that Mehta Puran Chand, Advocate, interviewed Madanlal sometime in the day. He said that the statement made by Madanlal which was recorded on the 24th was not in the case diary and the one attached to the case diary No. 12 dated February 1, 1948, was not in his handwriting.

23.243 Madanlal stated that they would be coming another time but he did not give any names. He made a clean breast and his confessional statement was recorded. What names, if any were given, he could not remember as the matter was 20 years old. He was shown case diary No. 12 and he said that it shows most of the facts stated by Madanlal to him. He added, "I think he did give some names but I cannot remember which ones they were". His duty was only to help in the interrogation of Madanlal. When that was over, his connection with the case finished. He was being assisted by Inspector Jai Dayal.

23.244 In cross-examination he stated that he had not seen the case diary of the previous day before taking over the interrogation nor could he remember if anybody told him that Madanlal had made a statement on the 20th January. The police officers were asking Madanlal to disclose true facts and whatever the witness came to know was recorded in his case diary No. 2A and case diaries 4, 5 and 9. But the recording of the statement of Madanlal finished on the 24th. He gave the original statement of Madanlal taken down by him for being typed to Inspector Jai Dayal. He wrote on a white sheet of paper. He could not remember over how many pages it extended. If the statement had been in Urdu, it would have been attached with the case diary. As it was in English it had to be typed and it was not included in the diary. The statement was never returned to him.

23.245 He did not meet the D.I.G., Mr. Mehra, at the time of the investigation. He did go to his house to explain the facts to him but he was not at home.

23.246 He did not know how many copies of the statement were made by Inspector Jai Dayal. The witness only handed over the original to Jai Dayal for typing.

Mr. Ashutosh Lahiri—

23.247 Statement of Mr. Ashutosh Lahiri who was General Secretary of the All-India Hindu Mahasabha at the relevant time, was recorded by the Bombay Police on March 14, 1948, Ex. 279. Mr. Lahiri there stated that since July 1947, Hindu Mahasabha Bhavan at New Delhi had a large number of refugees staying there. Before July 1947 they used to maintain a register of residents but all this had to be given up because of rush of the refugees. He never knew whether Madanlal stayed at the Bhawan but he came to know about him when he was told on the 21st that the police came to search the Bhawan the previous night at 12 o'clock. The police did not question him although he was available for interrogation but he was told the police had interrogated a Sadhu who had been staying in room No. 3 "for about three weeks previous".

23.248 He knew Nathuram Godse for eight or nine years as one of the workers of the Hindu Mahasabha from Poona. He also knew that he was running a daily newspaper "*the Agrani*" which subsequently became "*Hindu Rashtra*". In 1946, he and Apte came to Delhi a number of times and the last he met him was either in June 1947 when All India Committee meeting was held or it may be in August 1947 when the All Indian Hindu Convention was held but he could not be sure. He also knew Karkare who had gone to Calcutta and then to Noakhali in November 1946 with a letter of introduction to him (Lahiri). He also sent some money for Noakhali Relief Fund but he had not seen him on any other occasion. He neither knew Gopal Godse nor Badge nor Shankar; nor had he heard of their names and nor did he know that they were residing in room No. 3 between the 15th and the 20th January 1948. He denied having received any chit or slip from Nathuram Godse for giving accommodation to any person in the Bhawan but he was unable to say if the Hony. Superintendent temporarily incharge at that time, Dr. Satya Prakash, had received any.

23.249 In his further statement, Ex. 279A, he said that he did not see Nathuram Godse, Apte or Karkare in Delhi in the month of January, 1948, and he had no knowledge if Apte sent any telegram to Savarkar on January 19, 1948, from New Delhi. He did not deposit any money with him (Lahiri) for a telegram or anything else (Reference probably is to a telephone).

23.250 Rai Sahib Rikhikesh, Superintendent of Police, Delhi, sent a progress report on February 13, 1948, regarding the activities of the Hindu Mahasabha and R.S.S. workers. It said that Ashutosh Lahiri had been interrogated but he denied having met Madanlal but he did know Godse since 1939 and had been meeting him off and on. He was at Bombay when Mahatma Gandhi was assassinated which was only natural.

23.251 In his progress report of February 4, 1948, Rai Sahib Rikhikesh sent a copy of the statement of Ashutosh Lahiri dated February 14, 1948. He had denied seeing or knowing Madanlal but he did know Godse since 1939 or so but that was in connection with the Hindu Mahasabha work. He was emphatic that Godse did not see him in the Hindu Mahasabha Bhavan before or after the bomb explosion. He explained the reasons for his not subscribing to the pledge which Gandhiji required. He was arrested on February 6, 1948.

Conclusion—

23.252 The course of investigation followed at Bombay and at Delhi after the bomb was thrown and before the murder has been discussed at great length under the headings "Investigation at Delhi" and "Investigation at Bombay". It is important to remark that the real investigating police was the Delhi Police and if any information was conveyed to the Bombay Police by the Delhi Police, then it could only be on a requisition as provided in section 54 (ninthly) of the Code of Criminal Procedure. That in the present case was not done. At least there is no evidence to show that that section was complied with. The clause ninthly was not applicable to Bombay and therefore the information if it had been sent under ninthly would have been

on a par with information upon which a Police governed by the Criminal Procedure Code would have acted under the first clause of section 54 of the Criminal Procedure Code which corresponds to section 33(a) of City of Bombay Police Act, 1902.

23.253 The Commission has pointed out the various lapses on the part of the Inspector General of Police of Delhi, Mr. Sanjevi. It has also pointed out that the Police daily diaries of Delhi Investigation are not a great compliment to the detective abilities of the Delhi Police. Beyond a very routine kind of investigation which the case diary disclosed, nothing was done with that earnestness and that alacrity which an attempt on the life of Mahatma Gandhi required or deserved. As far as the commission has been able to see, there was routine interrogation of Madanlal which went on from 20th to 24th and even then the disclosure was not of any very great use.

23.254 The Delhi Police have said and the diaries show that Madanlal had disclosed on the very first day the name of Karkare and indicated that one of the conspirators was the editor of the "*Agrani*" and the "*Hindu Rashtriya*". and that a precis of this statement of Madanlal's was taken to Bombay and shown to Mr. Nagarvala, Deputy Commissioner of Police there who took notes therefrom. But Mr. Nagarvala did nothing to help the Delhi Police in the matter of investigation and arrest of Karkare.

23.255 Commission has discussed the question of the name of the "*Agrani*" or the "*Hindu Rashtra*" being conveyed to Mr. Nagarvala at great length under the heading "Exhibit 5-A". In the opinion of the Commission, that information was not carried as claimed by the Delhi Police. Mr. Nagarvala has denied it and Commission taking all the circumstances into consideration sees no reason for disbelieving Mr. Nagarvala on that point. But the fact remains that if the editor of the anti-Gandhi and militant Hindu Mahasabha paper the "*Agrani*" was disclosed to the Delhi Police, they made little use of it in order to find who the editor was or to take any steps to get him apprehended, or to keep a close watch to nab him if he landed in Delhi as indeed he did on 27th January and was even reconnoitring Birla House on the 29th and practising revolver shooting behind Birla Mandir on the 30th.

23.256 The clues which the Delhi Police got as to the Hindu Sabha connection of the conspirators was made no use of by the Delhi Police. No investigation was done at the Hindu Mahasabha Bhawan where a majority of the conspirators had stayed and from where they had even booked a long distance call to the Private Secretary or, in the alternative, to the Bodyguard of Savarkar. If it had been investigated and discovered at an earlier stage, it might have led to more fruitful results. Commission is not unaware of the fact that the documents showing the making of the long distance call were not with in the knowledge of anyone in the Bhawan on the day the call was booked; but the point for emphasis is that if an investigation had been done at Hindu Mahasabha Bhawan then the making of the long distance call could have been discovered. Even Mr. Ashutosh Lahiri, who knew Nathuram Godse very well and also knew Apte, and whom Godse and Apte, according to their statement, met on the 19th at

night, has a grievance that he was not examined on the night between the 20th and the 21st although he was staying at Hindu Mahasabha Bhawan. When the Commission observes that this was a serious lacuna in the investigational process it does not mean to say that the result would necessarily have been fruitful. But the fact remains that this track was never attempted and the Police were satisfied with the perfunctory investigation which was done at the Hindu Mahasabha Bhawan on the night of the 20th January, 1948.

23.257 The Police has claimed on the basis of a document, Ex. 244, that they had sent out the local C.I.D. a report giving the description of the alleged conspirators, which they say proves the correctness of Ex. 6, Madanlal's first statement. But that document, a photostat copy of which is attached, has so many contradictory entries on it that it could not have been of any use putting out this information and it is surprising that a document like this should have been produced at such a late stage.

23.258 As to the quality of protective measures taken at Birla House the Commission has discussed the matter at great length. To the Delhi Police the only method which suggested itself was the search of all these persons going to the prayer meetings, to which Mahatma Gandhi was strongly opposed. No other measures suggested themselves to the Police. But what Mr. Handoo and Mr. Jetley have suggested were measures worthwhile trying although in matters like this no one can say that any particular measure would have been foolproof particularly in the case of a person like Mahatma Gandhi who was absolutely free from fear of death and had utmost faith in God. As a matter of fact he went on the 27th January, 1948, to the Urs of Khwaja Qutub-ud-din Bukhtiyar at Mehrauli where a photograph taken and published in the 'Hindustan Times' of 28th January shows him mixed in a crowd and not even Mr. Handoo's protective measures would have worked in a place like that. The question is not what would have succeeded or would not have succeeded; the question is that taking of the suggested protective measures which in the present case was not done.

23.259 The officials of the Delhi Administration and the Secretary of the Ministry of Home Affairs were evidently ignorant of the conspiracy to murder. It was the duty of the Police to have given them proper information. That is not to say that the officers themselves did not show any indifference because one would have expected that when a thing like a bomb is exploded at a meeting of Mahatma Gandhi, the whole Administration would become alert and become anxious to find out what exactly had happened and not leave it to the sweet-will of the Police officials to give them that information. The anxiety of the officialdom in New Delhi to take any intelligent interest in the investigation of the bomb case is not indicated by any tangible evidence.

CHAPTER XXIV
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CHAPTER XXIV

EXHIBIT 5-A

24.1 Towards the end of his judgment in the Gandhi Murder case, the learned Special Judge, Mr. Atma Charan, made the following remarks in regard to the conduct of the police in the investigation of the bomb case—

"I may bring to the notice of the Central Government the slackness of the Police in the investigation of the case during the period between 20th January, 1948 and 30th January, 1948. The Delhi Police had obtained a detailed statement from Madanlal K. Pahwa soon after his arrest on 20th January, 1948. The Bombay Police had also been reported the statement of Dr. J.C. Jain that he had made to the Hon'ble Mr. Morarji Desai on 21st January, 1948. The Delhi Police and the Bombay Police had contacted each other soon after these two statements had been made. Yet the Police miserably failed to derive any advantage from these two statements. Had the slightest keenness been shown in the investigation of the case at that stage the tragedy probably could have been averted".

24.2 Upon this, explanations, technically termed comments, were called of the Bombay Police as well as of the Delhi Police. Mr. Sanjevi for the Delhi Police gave his side of the story in a note, Ex. 7, to which he attached eight annexures. This note has been dealt with in a previous chapter.

24.3 The Bombay Police, i.e., Mr. Nagarvala, was also required to give its explanation though technically it may not be so designated, which it did and is marked Ex. 14 which has also been discussed in a previous chapter.

24.4 When Ex. 14 was received by the Bombay Government Secretariat, certain notings were made on it, Ex. 168, more important of which were—

- (1) why did the Delhi Police not bring Madanlal's statement of January 20, 1948;
- (2) what efforts were made to establish contact with Delhi Police;
- (3) what action did Rana take on Madanlal's statement;
- (4) did Nagarvala spot an editor of a newspaper whose initials were N.V.G. from Poona;
- (5) did Nagarvala go to Ahmednagar to look for links of Madanlal?

24.5 Ex. 169 shows that Nagarvala's letter, with its annexures, were ordered to be sent to the Government of India, but these papers

were placed before the Advocate General of Bombay who was conducting the prosecution at Delhi. His opinion was that it was not necessary to move the East Punjab High Court for expunction of the adverse remarks against the Police.

24.6 On the note, Ex. 7, reaching the Government of India, the then Home Secretary, Mr. H.V.R. Iengar, ICS, on March 31, 1949, made two pointed remarks in regard to the explanation—

- (1) that in spite of the bomb explosion and statement of Madanlal that there was a conspiracy to commit murder and a similar statement of Professor Jain, it seemed surprising that the Bombay Police should have hesitated to believe that and should have given credence to the theory of a conspiracy to kidnap Mahatma Gandhi. And
- (2) that the Bombay Police took all possible steps to arrest Karkare and Badge but they do not appear to have taken any notice of Godse whose description as editor of the Hindu Rashtriya or the Agrani had appeared in the first statement of Madanlal, which was clear from the report of the investigating officers who took with them annexure 5 which mentioned the editor of that newspaper.

24.7 The note specifically mentioned the denial of Mr. Nagarvala about any information other than the one regarding Karkare which was a discrepancy and contradiction requiring further examination.

24.8 Mr. Iengar's note further said that as the conspiracy was amongst certain Maharashtrians from Poona, Ahmednagar and the neighbourhood, plainclothes policemen from that part of Bombay Province should have been summoned to Delhi so that they might have been able to identify those persons if they came to Birla House.

24.9 Mr. Iengar did not accept the view that for not sending plainclothes policemen to Delhi the responsibility was of the Bombay Police but that the Bombay Police were more to blame because of their refusal to take the idea of the conspiracy to assassinate seriously although rule of commonsense pointed in that direction.

24.10 To sum up, Mr. Iengar's note show that at that stage it was alleged that the identity of editor of Agrani had been disclosed by the Delhi Police, the conspirators were Maharashtrians from Poona, Ahmednagar and neighbourhood and policemen from that area should have been summoned to Delhi; and Bombay Police were more to blame for not taking the conspiracy to murder seriously.

24.11 On this, Sardar Patel on April 2, 1949 wrote his remarks saying that he agreed that plain clothes policemen from Bombay should have been summoned to identify the conspirators and that it was a mistake to have sent a mere Deputy Superintendent of Police to Bombay. The matter was submitted to the Hon'ble Prime Minister. His endorsement on this note is dated April 4, 1949.

24.12 Previous to this Mr. Iengar had sent another note dated March 3, 1949 to the Home Minister showing that the police officers of Delhi who flew on January 21, 1948, conveyed to Mr. Nagarvala the information given by Madanlal about the conspiracy and about Karkare of Ahmednagar and the editor of the Hindu Rashtriya. The

full statement of Madanlal was discussed between Mr. Rana, Deputy Inspector General, C.I.D., Poona and Mr. Sanjevi on 25th January, 1948. The Bombay Police had also, in the meanwhile, received information from Professor Jain about the conspiracy to murder Gandhiji but they were acting under the belief of a wide conspiracy to kidnap Gandhiji and they would not take any action to arrest persons mentioned by Madanlal on the theory that if they were arrested the others would go underground and they thought it safe to arrest Karkare and Badge only. This note was seen by Sardar Patel on March 8, 1949, and he ordered that comments of Bombay Police be awaited. It was sent on to the Prime Minister who saw it on 8th March, 1949. There is a note at page 5 of this file and at the back of Ex. 7D to the following effect—

"P.M. has seen. He would like to see again after the Bombay Government comments are received.

Sd/ A. B. Pai
8-3-49"

24.13 There is another document, Ex. 7A, which is a letter of Mr. Sanjevi to Mr. Iengar dated 20th February 1949. It enclosed Ex. 7B, a note in regard to the protection rather security arrangements made at the Birla House after the explosion. In paragraph 4 of Ex. 7B there is the following significant statement—

"The descriptions given by Madanlal were most meagre and did not give any correct idea of the identity of the accused. The C.I.D. and the uniformed police were combing the city for these men".

24.14 In paragraph 5 it said that the statement made by Madanlal implicated "6 persons of whom he knew the name of only one. In regard to two he gave a vague description of their appearances". Further it mentions that a Deputy Superintendent and an Inspector flew to Bombay, contacted Mr. Nagarvala and "put him in full possession of all the facts known to them so far". These officers were not allowed to make any enquiries and were not permitted to move out freely because as Mr. Nagarvala had said that they would have been a set back to efforts of tracing the absconding men. On the 25th the D.I.G., Mr. Rana, was given a copy of the detailed statement made by Madanlal. He reached Bombay on the 27th; he and Mr. Nagarvala contacted Mr. Sanjevi on the telephone and Mr. Nagarvala promised to send a letter by air next morning but no letter was received till the 1st morning when an officer from Bombay brought a copy of the letter said to have been sent on the 30th. A letter of that date reached Mr. Sanjevi by post on February 3.

24.15 Excepting in Ex. 7B which does not talk about the newspaper the Agrani or the Hindu Rashtriya the Delhi Police was representing through Mr. Sanjevi even to the Hon'ble the Prime Minister and the Hon'ble the Home Minister that Madanlal had made a statement implicating amongst others Karkare and the editor of the Hindu Rashtriya and the Agrani, and had given descriptions of the other culprits, and that this information was conveyed to Mr. Nagarvala through police officers who were sent by air on 21st January 1948 that Mr. Nagarvala had a different story, i.e., of a conspiracy to kidnap Mahatma Gandhi and he made no serious efforts to apprehend the editor of the Agrani or even Karkare.

24.16 This necessitates determining what information the Delhi Police had when the two police officers were sent to Bombay and what information they sent to the Bombay Police and whether Ex. 5 of which the original is Ex. 5A which seems to have assumed a great deal of importance, was taken by the Delhi Police officers to Bombay or not.

24.17 Thus, one of the most controversial points between the Delhi Police and the Bombay Police is the question as to what information was conveyed by the Delhi Police to the Bombay Police in regard to the statement of Madanlal alleged to have been made on the 20th January 1948, and whether the document Ex. 5A is a precis of the first statement of Madanlal or not. The second question which arises consequent upon this is whether this document was taken by the two Delhi Police officers who travelled from Delhi to Bombay by air on the 21st January and whether they showed it to Mr. Nagarvala when they interviewed him on the 22nd January 1948.

24.18 On the decision of this question will depend whether Nagarvala was given the information that Madanlal had, in his very first alleged statement to the Delhi Police, named amongst his co-conspirators the editor of the *Agrani* or the *Hindu Rashtriya* as Madanlal has pronounced it. If as a matter of fact Nagarvala was told on the 22nd that one of the conspirators was Karkare and the other was the editor of the *Agrani* or the *Hindu Rashtriya* then that fact, coupled with the name of Savarkar, was clear indication of the fact that the conspirators were from the Poona group of Savarkar's followers belonging to the Rashtra Dal. But if no such information had been conveyed on the very first day then it was a matter for inquiry and detection as to who the associates of Karkare and Madanlal were.

24.19 Case diaries Nos. 1 and 2, the former of the 20th and the latter of the 21st January, both written by Sub-Inspector Dasondha Singh, show that the police had been able to gather a fair amount of information from Madanlal. The first diary shows that Madanlal had disclosed one name and the description of six persons stated to be his companions, amongst whom one had a long beard and moustaches like a Sikh; another was Karkare; the third was the editor of "*The Rashtriya* and *The Agrani* (a Maratha newspaper) who gives out his name as Deshpande" and the fourth was a servant. This indicates that the police at Delhi had in their possession on the very first night following the occurrence not only the name of Karkare who incidentally has been described as Karkara or Kirkiree in the police diaries but also had the name of a newspaper, "*The Rashtriya* and *The Agrani*" whose editor was one of the conspirators, and a fairly good description of Badge and at least some though perhaps vague descriptions of the rest. And it has been claimed on behalf of the Delhi police that a precis of this first statement, Ex. 5, was taken by the Delhi Police officers to Bombay and shown to Mr. Nagarvala. The original of this document is marked Ex. 5A and that is because it was, after diligent search, found later by an officer of the Law Commission from amongst some files in the Delhi Deputy Commissioner's Record Room. This claim of Delhi Police is denied by the Bombay Police and hotly contested by Mr. Kotwal.

24.20 At the very outset it may be remarked that if this document was in fact taken by these officers to Bombay and delivered to

the Bombay Police officers then the irresistible conclusion must be that the identity of the principal architect of the plot and the brain behind the conspiracy was disclosed by the Delhi Police to the officers of the Bombay Police on January 22, 1948, well before the conspirators achieved their objective of assassinating the Mahatma.

24.21 In support of the contention that this (Ex. 5A) was taken to Bombay, there is documentary evidence submitted for the consideration of the Commission which consists of official documents purporting to have been written in pursuance and in the course of official duties at a time when the present controversy had not arisen and when there could be no reason for making false entries or preparing fake documents and they therefore must, in the absence of good reasons to the contrary, be accepted as genuine documents. It is to test the vitality of this argument that the evidence before the Commission has to be considered, analysed and judged in the light of severe criticism to which it was subjected by Mr. Kotwal and the support which Mr. B.B. Lall for the Delhi Police gave it with equal vigour.

24.22 *Case Diary No. 2-B.* The two Delhi officers sent to Bombay were the late Deputy Superintendent Jaswant Singh and Inspector Balkishan both of whom had, according to Case Diary No. 1, taken prominent part in interrogating Madanlal on January 10, 1948. Jaswant Singh's diary dated January 21, 1948, No. 2-B, only recites that under the orders of the Superintendent of Police, New Delhi, he along with Inspector Balkishan of C.I.D. left for Bombay at 4.00 P.M. and arrived there at 10.30 P.M. The diary does not mention as it should have, according to the statement of Rai Sahib Rikhikesh, Superintendent of Police, C.I.D., what documents, he took with him, what persons were to be arrested or pursued or interrogated, nor does it refer to any requisition sent by the Delhi Police to the Bombay Police as one might have expected under S. 54 ninthly of Cr. P.C. even though it was not applicable to the City of Bombay Police but it did apply to Delhi. The object of going to Bombay is stated to be investigation there. Deputy Superintendent Jaswant Singh was to contact Mr. Nagarvala and if necessary to contact Rao Sahib Gurtu at Poona with Mr. Nagarvala's assistance. There is utter lack of information in this document beyond the object being investigation in Bombay with the assistance of Mr. Nagarvala, a task which was hardly appropriate for Delhi Police officers going to Bombay without knowing anything about it.

24.23 *Case Diary No. 3-A.* The next diary of Jaswant Singh is 3-A dated Bombay January 22, 1948, in paragraph 3 of which it is stated that the two police officers "contacted" Mr. Nagarvala at the C.I.D. office where he was "again" apprised of the full facts of the case "and an English note, which incorporates a precis of Madanlal's statement with a note of S.P. New Delhi at its foot was handed over to Mr. Nagarvala Sahib who read this note carefully and kept it. He returned a (the?) written note covering this case which is attached". The Urdu is as follows:—

"JINHON NE IS YADASHT KO BAGHOR PARHA AUR APNE PAS YADASHT RAKHI. TAHRIRI NOTE MUTALIQA MUQADAMA HAZA WAPIS DI JOKE LAF HAZA HAI".

And the document attached is Ex. 5-A.

24.24 The translation of diary No. 3-A seems to be slightly inaccurate; correctly translated it should be—

“He read the memorandum carefully and kept an extract from it. He returned the written note (the memorandum) regarding the case above-referred to, which is attached herewith.”

This document Ex. 5A is undated and unsigned. It is a disjointed account of events alleged to have been given by Madanlal. It is scrappy and is written in two distinct handwritings and distinct inks on both sides of a foolscap size sheet of paper.

24.25 In his note, Ex. 7, Mr. Sanjevi has referred to this document having been sent to Mr. Nagarvala. It is marked annexure V therein. Ex. 7 was the note which Mr. Sanjevi submitted to the Home Ministry after the learned Special Judge, Judge Atma Charan, passed strictures against the police, and to say the least was mainly explanatory of the position of Delhi Police. It is much more than merely explanatory. It is self-exculpatory and throws the blame on Bombay Police unreservedly. In this note, Mr. Sanjevi has referred to Ex. 5 which was attached as Annexure V thereto and which Mr. Sanjevi said had been sent with the Delhi Police officers. What Mr. Sanjevi has said therein is this and it is worth repeating here:—

- (1) Jaswant Singh flew to Bombay on 21st January with all the information “so far furnished to the Delhi Police by Madanlal”; i.e., upto the time of the flight.
- (2) The two Delhi Police officers met Mr. Nagarvala first at his house and there gave him full facts of the case and then at his office where again the facts of the case were given to him and Jaswant Singh showed him a note on Madanlal's statement from which he took extracts for his use..... Thus it emphasises Nagarvala having been given the full facts of the case twice and Ex. 5A being studied by Mr. Nagarvala.
- (3) He also told him (Mr. Nagarvala) that one of the accused was the editor of the “Agrani and Hindu Rashtriya” newspaper and the description of all the absconding persons as given by Madanlal was communicated to him.
- (4) The two Delhi Police officers next day met the C.I.D. Inspector at the Bombay C.I.D. office who told them that a Police Inspector from Ahmednagar had arrived and he had been ordered to search for the editor of the “Agrani” or the “Hindu Rashtriya”; again showing that Bombay Police was fully aware of the identity of two persons whom the Delhi Police wanted to be arrested.
- (5) A Bombay C.I.D. Inspector gave to the Delhi officers the names of Badge, Avtar Singh, Talwar of Karachi, Balraj Mehta of Lahore.
- (6) Then Nagarvala ordered them to return to Delhi and when leaving as directed by Mr. Nagarvala—that is their version—Deputy Superintendent Jaswant Singh drew the attention of Mr. Nagarvala to Madanlal's statement regarding Karkare and the editor of the “Agrani” or the “Hindu Rashtriya” and requested him that as soon as they were arrested they should be sent to Delhi.

(7) Copies of the diaries of Jaswant Singh from the 21st to 23rd were sent to Mr. V. Shankar, Private Secretary to the Hon'ble the Home Minister, Sardar Patel. Mr. Shankar has not been asked anything about it and there is nothing in his evidence to support this fact.

(8) The note Ex. 7 then says that the information conveyed by the Delhi Police to the Bombay Police clearly indicated a conspiracy to murder and gave the identity of the accused.

(9) The note made a grievance of the Delhi Police officers being sent back and of the treatment which was meted out to them.

This note has been discussed at some length in a previous chapter.

24.26 Thus, the note of the Director of Intelligence Bureau who was in charge of the investigation of the case at that stage, i.e., the bomb case stage, makes out a clear case of inaction, if not negligence, of the Bombay Police and “commendable promptitude” of his own force. He supports his facts by the following circumstances:—

- (1) Two police officers carrying with them Ex. 5A were sent soon after Madanlal made his first statement on January 20, 1948 of which Ex. 5A is alleged to be a precis.
- (2) The two Delhi officers informed Mr. Nagarvala of the fact that they wanted the arrest of Karkare and editor of the “Hindu Rashtriya” or the “Agrani” and this they did by repeating it to Mr. Nagarvala on three occasions and showing him Ex. 5A.
- (3) Inspector Kargaonkar, one of the C.I.D. Inspectors of Bombay, told the Delhi Police officers that an Inspector from Ahmednagar had arrived and had returned to Ahmednagar with necessary instructions; that Karkare was not in Ahmednagar and that he and the Bombay C.I.D. had been ordered to search for the editor of the “Agrani” or the “Hindu Rashtriya”.
- (4) He referred to the police diaries of Jaswant Singh containing these facts.
- (5) He supported this version by saying that these diaries or copies thereof were sent to Mr. V. Shankar.

Ex. 5A when written and by whom—

24.27 In this context it is necessary to see when Ex. 5A came into existence and why it was scribed; because if it was not in existence on 21st January it could not have been taken to Bombay. It is necessary therefore to examine the evidence dealing with the authorship of Ex. 5A and the date of its being scribed. The important witnesses on this point are Nos. 42 Mr. R.C. Bhatia who at the time was Inspector in charge of Parliament Street Police Station, No. 13 Rai Sahib Rikhikesh who at the time was Superintendent of Police, C.I.D., New Delhi, and No. 17 Mr. Amar Nath Bhatia who at the time was Superintendent of Police of New Delhi, i.e., the two Police Superintendents of Delhi and the Station House Officer of the Parliament Street Police Station. A photostat copy of Ex. 5-A is attached. (See next page).

R. C. Bhatia, Wit. 42—

24.28 The account of witness No. 42, Mr. R.C. Bhatia, as to how Ex. 5A came into existence was this that during the course of interrogation of Madanlal, he could not remember when it was, he was "asked to take down". It might have been 3 or 4 days after the arrest of Madanlal. The document was shown to him and he said that it was in his handwriting only upto the words "plan chalked out..... Went in tonga" i.e., upto the middle of the back of the page. The rest of the document beginning with the words "with Karkare at about 3.45 P.M. from Marina Hotel" are not in his handwriting nor that portion of the document at the back which was enclosed within a red pencil line; (this was done by the Commission). The portion other than what R.C. Bhatia admits to be in his hand is in a different handwriting and in different ink. And this, according to R.C. Bhatia, is in the handwriting of Police Superintendent Amar Nath Bhatia with whose handwriting he is familiar. He also said that it is not in the handwriting of Deputy Superintendent Jaswant Singh.

24.29 Madanlal, he said, was interrogated several times and it was on one of these occasions that the notes were dictated to him and he was not sure whether what was contained in Ex. 5A was repeated to him during the interrogation. He could not say why the note was prepared. The dictation, he said, must have been by Superintendent Amar Nath Bhatia but he was not sure. But looking at the portion which was in the handwriting of Mr. Amar Nath Bhatia, this witness said that the dictation must have been by him. When his attention was drawn to the diary of Deputy Superintendent Jaswant Singh, the witness said it must have been dictated before Jaswant Singh left for Bombay. The statement of this witness is vague as to sequence of events as to dates and even as to the occasion relating to scribing of Ex. 5A but after the lapse of twenty years it would not be unexpected.

Rai Sahib Rikhikesh, Wit. 13—

24.30 The next witness in this connection is Rai Sahib Rikhikesh who was Superintendent of Police, C.I.D. at the time. Unfortunately, he is in failing health and is unable to see as he has practically lost his eye-sight but happily he readily appeared before the Commission though at great personal inconvenience.

24.31 On 21st January 1948 Madanlal was taken to Civil Lines Police Station where R.S. Rikhikesh interrogated him for about 3 or 4 hours but he disclosed no names. He only gave descriptions of persons. All this the witness took down on a piece of paper which was handed over to Deputy Superintendent Jaswant Singh when he was leaving for Bombay. This was done under the orders of the D.I.B. Mr. Sanjevi. The police case diaries No. 2 and 2-A show that interrogation was by Inspectors Dayal Singh and Jai Dayal under orders of the Deputy Superintendent of Police. When Ex. 5 which is a copy of Ex. 5A was read out to the witness, his reply was that that was not what he had written nor did he send it to Bombay. The original of the document could not be shown to him because unfortunately he is unable to see. He said he had written down the descriptions of the conspirators as given by Madanlal which was something like what

1086-A

Madan Lal s/o Pichori Lal
 Lalwa of Pakpattan Dist Mongu
 1st Punjab Regd 20/21

Refugee went to Bombay in
 middle of November

Contacted Mahasabha workers
 for employment

Met Karkare who appeared to
 be active worker or president of the
 Sabha. Karkare also proprietor of a
 hotel + Dacca Guest House.
 Karkare having come to know that
 the accused was a member of
 R.S.S. made a plan to try to
 kill Mahatma Gandhi who is
 enemy of hindus.

Came to Delhi with Karkare
 reaching here about 17.1.48

Stayed at Hindu Sharif Hotel
 Room No. 2. Servant Ram Singh took
 his and Karkare's clothes for washing to
 a laundry. The accused gave Rs. 15/-
 for sewing charges of pant and for
 washing charges.

Left the hotel on 19.1.48 in
 the evening. Karkare met Sham Desh-
 pande met in the Hindu Mahasabha
 Bhawan and got Room No. 3 where
 they placed their luggage.

Ex. 5A: (front page) [See para 24.27]

was read out to him from the police case diary No. 1, page 13, paragraph 15 which is marked Ex. 36. The statement was marked Ex. 6 by Mr. Pathak. He remembered that Madanlal had said that the leader of the party was a Maratha who was the editor of a Hindu newspaper, probably "Hindu Rashtriya" but he could not remember if he also mentioned the "Agrani" but he did say that the man was from Poona. He was told by the D.I.B., to give a typed copy of whatever Madanlal had stated upto that time which he did.

24.32 He was asked how it was that in spite of Madanlal's arrest and his mentioning Karkare and the editor of the Poona journal no effective steps were taken to prevent the murder. His answer was:—

"We did our level best. The conspirators came from Maharashtra. It was very difficult for us to make out who was who. Many officers from different parts of India came here and mentioned names of many suspects. Some of them we arrested and interrogated them; others we just interrogated. But we did not succeed in getting any useful information about these persons. It should have been possible for the Bombay Police to have arrested the editor of the Poona Journal because they knew his identity. Similarly there should have been no difficulty in arresting Karkare who had a shop in Ahmednagar."

This emphasises clear information of the identity of two persons (i) an editor whose particulars the Bombay Police should have been known and (ii) the other Karkare of Ahmednagar; both of whom the Bombay Police could easily have arrested.

24.33 The witness then deposed that during the course of the interrogation of Madanlal he got the following names:—

1. Servant of Karkare, but not the name of Karkare whose business was mentioned.
2. The head of the conspiracy was the editor of a newspaper in Poona.
3. Another person mentioned was a discharged Army Officer.
4. A fat Maratha who financed the conspiracy and had a shop at the Chauk at Ahmednagar dealing in arms and ammunition.
5. Shankar. But it may be pointed out that that name is neither in the first statement of Madanlal, Ex. 6, nor in his fuller statement, Ex. 1.

This he had written down on a sheet of paper of half foolscap size which he gave to Jaswant Singh as Mr. Sanjevi had ordered that he should give him the information collected upto the time of their departure for Bombay. And that was the information he had upto then. This particular document on which he jotted down all this, a half foolscap sheet of paper, is not before the Commission and no one knows what happened to it. The police case diaries refer to Ex. 5A and not to this document in the hand of R.S. Rikhikesh. It may be observed that what is stated by R. S. Rikhikesh to be the description given by Madanlal tallies with neither of his statements, Ex. 1 or Ex. 6.

1066-B

7. We were going to Balarganj with 5. Deshpande to see some refugees to make them create noise in prayer. One Bala was brought to the Sahiba by police.

3. Marhattas came to the Sahiba. Karkare talked to them in Marathi. They stayed with us.

On 20.1.48 Karkare left at 6.

One man with muffer came to see the 3 Marhattas and took them away at 12 noon.

Karkare took the accused to Marina Hotel Room No. 40 where the man with muffer, 3 Marhattas and one other man who was called mularaj.

Plan chalked out.

Went in tanga with Karkare at about 3.45 from Marina Hotel.

Others followed in a car.

4. Bank brick & a Grenade

1. Loglan one pistol "

2. 2nd " "

3. 3rd one pistol "

(Maharaja) 2 grenades had 4 signal

{ Car No. Bogns }
2/11/48

Karkare man with muffer editor of Hindu Rashtriya or Agrani A.

Ex. 5A: (on the back of the page)
[See para 24.27]

24.34 It appears that this witness has confused the names and descriptions. Shankar's name is neither in Ex. 6 nor in Ex. 1. The discharged Army Officer also was mentioned by Godse after his arrest on January 30, 1948 and is not mentioned in either of the two statements of Madanlal. The name of Karkare was mentioned by Madanlal in both his statements. As a matter of fact, that is the only name mentioned by Madanlal. But his description is differently given in the statements Exs. 1 and 6.

24.35 The name "Shastra Bhandar" is mentioned in Ex. 1 but not in Ex. 6. The description of Maratha is nowhere to be found.

24.36 All this shows that this is a case of *lapsus memoriae* which is not unnatural or unexpected after the lapse of 20 years, even if the physical ailments which afflict this police officer are ignored.

24.37 Thus, according to this witness, Madanlal had mentioned that the leader of the party was a Maratha journalist from Poona, editor of the "Hindu Rashtriya" and another was Karkare by name who had a shop in Ahmednagar—two persons whose identity was clearly disclosed.

24.38 He was recalled and examined again on January 23, 1968 and again it was at a great deal of personal inconvenience that he could come. He stated that the statement of Madanlal which he had prepared was given to Mr. Sanjevi who ordered him to keep it and it was that statement which he gave to Deputy Superintendent Jaswant Singh in the presence of the D.I.B. The statement was written in English with a fountain pen on a sheet of paper of half foolscap size.

24.39 When he took up the investigation he did not enquire if Madanlal had already made a statement. He started afresh, i.e., he started interrogating Madanlal afresh, without reading the previous diaries or without knowing about the previous statement of Madanlal. The "Agrani and Hindu Rashtriya" newspaper was mentioned in the very first statement but Agrani does not figure in the fuller statement which the C.I.D. officers recorded.

24.40 The statement of Madanlal which was recorded later was typed and a copy of it was handed over to the D.I.G., C.I.D. of Poona, Mr. Rana, by the D.I.B. That consisted of about 50 pages "more or less". Thus, R.S. Rikhikesh's statement seems to have reference to the fuller statement of Madanlal, Ex. 1.

24.41 According to Rai Sahib Rikhikesh, Jaswant Singh should have noted down in his diary the witness's handing over the copy of the statement of Madanlal to him. He was not aware if any copy of the statement was given to Jaswant Singh by the Superintendent of Police of New Delhi, Mr. Amar Nath Bhatia. At that stage the witness was only helping the investigation as an officer of the C.I.D. He has also stated and that is a fact given in the police diary also that Madanlal was taken to the Civil Lines Police Station on the 21st. The police diary No. 1 shows that Madanlal was interrogated at Parliament Street Police Station by Deputy Superintendent Kartar Singh, C.I.D., Police Superintendent Rai Sahib Rikhikesh and Police Superintendent Amar Nath Bhatia of New Delhi, which would indicate his knowledge of the first statement of Madanlal, Ex. 36 or 6.

24.42 The witness did not find out from Jaswant Singh what happened to the sheet of paper which he had handed over to him, Jaswant Singh. This was because he presumed that it must have been handed over to Mr. Nagarvala.

24.43 In cross-examination by Mr. Chawla this witness said that he did not give a covering letter for Mr. Nagarvala. He was sitting at Mr. Sanjevi's house when Jaswant Singh came. When Jaswant Singh was leaving, he, the witness, gave him instructions as to what he was to do in Bombay.

24.44 He (Rikhikesh) interrogated Madanlal for about 6 hours. He started about 4 or 5 P.M. and went on till late at night. Madanlal had given full description of his co-conspirators and the places where they were likely to be found. But this seems to be inaccurate because this information so elaborately stated is not even in the fuller statement, Ex. 1. The witness took down the descriptions and the addresses as there was no time to do anything more elaborate. The witness did not give the full statement to Jaswant Singh but descriptions and addresses of the conspirators. The object of sending the officers by air was to take immediate action and effect arrests. He added that he must have given the usual instructions to Jaswant Singh to explain the facts of the case to Mr. Nagarvala and also tell him on behalf of Mr. Sanjevi that the matter was urgent and that he should report back any progress made in the case which seems to have been ignored altogether.

A.N. Bhatia, Wit. 17—

24.45 The next witness relevant to this matter is witness No. 17, Mr. Amar Nath Bhatia, who was then the Superintendent of Police, New Delhi and is now an Advocate. He stated that Madanlal was interrogated at the Parliament Street Police Station where he made the statement, Ex. 6. He named only one person, Karkare, but gave description of six persons.

24.46 Deputy Superintendent Jaswant Singh and Inspector Balakishan of the C.I.D. were sent to Bombay under his directions but the decision was of the D. I. B. and of Police Superintendent Rikhikesh. When asked what instructions he gave to Deputy Superintendent Jaswant Singh, he said:—

"We gave to Deputy Superintendent Jaswant Singh a list of persons who were suspected. By a list of persons I mean the description which we had gathered from the statement made by Madanlal. I gave to Jaswant Singh whatever we had. I could not give him more than what we had. We had also told Jaswant Singh that they were to seek the assistance, cooperation and instructions from the officers in Bombay who would know more about Maratha accused than we did.

Q. Did you tell them as to whose assistance they should seek?
Ans. As far as I know, Mr. Rana had taken upon himself to do everything which was necessary.

(By Commission) Q. Would you be surprised to learn that Mr. Rana had not left Delhi for Bombay till 25th of January?

How could he then have taken upon himself to do everything that was possible.

"Ans. I only know this much that Mr. Rana had taken upon himself to do everything which was possible. I do not know when he left Delhi for Bombay".

24.47 He then said that he did not give any instructions personally but he knew that instructions had been given to the officers to meet Mr. Nagarvala. He was asked whether he sent through Jaswant Singh any statement of Madanlal to be delivered to Mr. Nagarvala his reply rightly was—

"I cannot exactly remember it, but there may be some endorsement on some document under my hand".

24.48 He was then asked how he could have ordered Jaswant Singh to get persons arrested in Bombay whose names and places of residence he did not know because upto the time the officers left for Bombay, Madanlal had only given the name of Karkare and some description of others, his reply was—

"Our anxiety only was to get those persons arrested whose description had been given by Madanlal".

When reminded that the descriptions were inadequate, his reply was that whatever description they could get from Madanlal were sent to Bombay and his opinion was that with the cooperation of the Bombay Police it would be possible to arrest those persons.

24.49 In answer to further questions Mr. A.N. Bhatia stated that as far as he could recollect, that was not the only note which was sent with the officers who went from Delhi. But whatever descriptions they got from Madanlal were sent to Bombay.

24.50 Mr. A.N. Bhatia admitted that whatever was said or was given to Jaswant Singh should have been mentioned in the case diary. His attention was drawn to diary No. 2-B of Jaswant Singh dated January 21, 1948, which does not contain any reference to the statement of Madanlal or to a synopsis thereof. His reply was that he could remember about Mr. Nagarvala but could not say anything about Mr. Gurtu, which was hardly a reply relevant to the question asked.

24.51 His attention was next drawn to the case diary No. 3-A of Jaswant Singh of 22nd January and he was asked if he had any recollection about the matter. He said that some kind of endorsement might have been made on one of those documents by him but he could not recollect what exactly it was.

24.52 He was recalled on October 17, 1967 and was questioned about Ex. 5A. He was asked as to when the document was prepared. He said he could not remember. He said—

"I personally did not have a precis of the statement of Madanlal prepared. I do remember that such a precis of the statement was prepared. Whatever was happening was known to me because I was being constantly told of what investigation was going on. I was asked my advice which I gave and I also gave directions where I thought necessary and in this way the subordinate police officers had the advantage of my advice".

24.53 The witness was shown the document Ex. 5A and asked—

"Q. Have you seen this document before?

A. I must have seen it at about the time it was prepared and may have seen it later also during investigation but I have not seen it since".

He admitted that the portion A-A1 is in his handwriting. The word "with" before "Karkare" might be in his handwriting. But he was not sure. The reason why he added those words from A-A1 were to complete the precis because they were left out although they were contained in the statement of Madanlal and the document itself was prepared before Jaswant Singh went to Bombay. But the witness could not say whether Jaswant Singh took that very document or a copy of it, but after his attention was drawn to the relevant portions of the diary No. 3-A, he said that it was either Ex. 5A or its copy which must have been taken to Bombay to be shown to Mr. Nagarvala.

24.54 When asked how anything which was not in the case diary was contained in Ex. 5A, Mr. A.N. Bhatia said that Mr. R.C. Bhatia must have taken it from his knowledge of something that was somewhere else but he could not say what that information was and where he got it from.

24.55 His attention was drawn to the portion, "Met Karkare who appeared to be active worker or President of the Sabha" and to the portion relating to "S. Deshpande, Om Baba and with Karkare left at 6.00 on 20th January, 1948" they are not in the police diaries and the answer of the witness was, "I cannot say anything about it".

24.56 In cross-examination by Mr. Vaidya, he said—

"..... and after looking at the case diary No. 1, I can now say that I asked the Inspector to prepare in English a precis of the statement of Madanlal. Because it was incomplete I added a few words and those words I have already indicated".

When paragraph 3 of case diary No. 3-A of Deputy Superintendent Jaswant Singh was read out to Mr. Amar Nath Bhatia and he was shown Ex. 5A, he said that this could not be the only precis which was sent to Bombay, but he could not remember what exactly was sent.

24.57 In cross-examination by Mr. Chawla, Mr. A.N. Bhatia said that Ex. 5A might have been written on the 21st or the 22nd January 1948 but he had no clear recollection. One cannot blame him for this after the lapse of 20 years. There must have been, he said, some material before him from which this *precis* was prepared by the Inspector. The document was written in the evening but he could not exactly remember when. When asked why the document was not mentioned in the case diary, his reply was "because it is my document and it has nothing to do with the case diary. I am cent per cent sure that Ex. 5A was never sent to Bombay. I never sent any document to Bombay. D.I.B. might have sent some document to Bombay. I cannot remember if there was any other document on which I wrote anything". The witness then said that the precis, Ex. 5A, was only a brief note for his use and he could not believe it could have

gone to Bombay from his table. Jaswant Singh did not see him before he went to Bombay and on his return he did not show any document to him nor did he tell him before he went to Bombay as to what documents were with him.

24.58 Mr. A.N. Bhatia was again recalled (third time) and examined on April 24, 1968. He said he could not remember when Ex. 5A was prepared nor how long it was kept on his table. To a question as to how a document prepared for his benefit which was lying on his table got attached to the diary of Jaswant Singh written at Bombay on January 22, his reply was that the diary which purports to have been written at Bombay could not have been written there and that his stenographer or his reader might have given the document, Ex. 5A, to Jaswant Singh and he might then have attached it to the case diary.

24.59 When asked if he could give any reason why a document exclusively meant for his use was attached to the diary, his reply was "this diary was never written at Bombay but was probably written in my office and it was there put in the file", i.e., in the Case Diary. He said, "I am cent per cent sure that the diary No. 3-A could not have been written in Bombay. The papers containing serial numbers could not have been taken to Bombay".

24.60 Explaining the reason why he wanted a *precis* to be kept on his table, he said that it was because he was constantly getting enquiries as to what was happening in the investigation and in order to keep himself informed he kept a *precis* on his table. It only showed the persons who had taken part in the offence and was meant to be an aid to memory. He called it "*aide memoire*".

24.61 Mr. A.N. Bhatia proved endorsement of Rai Sahib Rikhi-kesh, Ex. 1-A, on the copy of the full statement of Madanlal, Ex. 1, which was attached to Mr. Sanjevi's note, Ex. 7. It may be mentioned that the copy of Ex. 5 which was attached to Mr. Sanjevi's note, Ex. 7, and is marked Annexure V therein has the following endorsement—

"True copy. Inspr. CID, N.D."

But the Inspector's signature is not there; and underneath it is signed "T.G. Sanjevi" dated 20-2-49. Which Inspector certified the original to be true copy, the Commission has not been able to discover.

24.62 Cross-examined by Mr. B.B. Lall, Mr. A.N. Bhatia said that the document must have been prepared by Ram Chand (R.C. Bhatia) under his orders he must have prepared it from the case diaries. The witness himself got the information contained in portion A-A1 of Ex. 5A from the officers who were interrogating the accused. He added "Really speaking what is given in the portion A-A1 is a gist of what Ram Chand had written in the two pages and something from my own knowledge".

"I prepared this small note A-A1 so that I could at once tell any officer who made enquiries from me".

He put the document on his table. He could not say when his reader or stenographer handed it over to Jaswant Singh but it must have been before the 25th January. He did not miss the document

because he had no occasion to use it. He was emphatic that this document could not have been taken by Jaswant Singh when he went to Bombay nor could Mr. Sanjevi have sent it.

24.63 Examined by Commission, Mr. A.N. Bhatia said if he had anything to do with the sending of the papers he would not have sent that document. No other officer would have done it. He could give no explanation why Jaswant Singh falsely introduced this document into the file before the 25th January 1948.

24.64 As far as Mr. A.N. Bhatia could recollect whatever had been got from the statement of Madanlal had been sent to Bombay. He never showed the document Ex. 5A to Mr. Sanjevi.

24.65 Mr. A. N. Bhatia was then examined as to the special report, Ex. 84 and 84A, which is dated 26th January 1948; but its copy, Ex. 84B, shows that it was prepared on the 22nd January 1948. That document, written two days after the statement, Ex. 6, which after interrogation of Madanlal was recorded in the presence of Mr. A. N. Bhatia himself, contains only this information in regard to the accused that one of the conspirators was known as Karkare, the other as Maharaj and there were four others whose names had not been disclosed by Madanlal. The places in Delhi where the conspirators stayed are given, i.e., Sharif Hotel, Hindu Mahasabha Bhawan and Room No. 40, Marina Hotel. There is no indication of or reference to the editor or the proprietor of the *Agrani* or the *Hindu Rashtra* or *Rashtriya* in that report nor to the manager or proprietor. He was cross-examined on this point and his reply was that he could not say why the editor of the *Agrani* was not mentioned. His attention was also drawn to other facts which are not mentioned in the case diary.

Inspector Balkishan, Wit. 12—

24.66 There is yet another witness whose testimony is very pertinent on the question of Ex. 5A and that is Inspector Balkishan of the C.I.D., witness No. 12. He was connected with the investigation almost from the beginning because he took part in the interrogation of Madanlal from the time he was taken to the Parliament Street Police Station and he is the scribe of case diaries Nos. 3A and 4B. He stated that Madanlal's statement was recorded in Urdu by Sub-Inspector Dasondha Singh and it covered about 16 to 17 pages. As a matter of fact, the Urdu statement is about five and a half pages. His attention was drawn to the English translation because the original Urdu diary had not yet been traced officers of the Commission; and no one else knew anything about it. His reply was that the matter was very old and his impression was that the statement was longer and was in Urdu. He also stated that Madanlal only gave descriptions of persons and their residences. He did not give the names of any other person excepting Karkare and gave the description of others—one of whom was described as the owner of *Shashtra Bhandar* and the other an editor of a Hindu paper. When his attention was drawn to the fact that the only person whose profession is given in Ex. 6 is that of the editor of "the Hindu Rashtriya and Agrani", the witness replied "It may be so and that must be some other later diary". It must be remembered that "*Shashtra Bhanandra*" is neither in Ex. 6 nor in Ex. 5A but is contained in the statement of

Madanlal, Ex. 1, dated January 24, 1948. But again it has to be said that the matter is 20 years old and the witness might well be confusing the statements.

24.67 When Inspector Balkishan was asked after his attention was drawn to Exs. 6 and 1 as to which of these statements he took with him to Bombay, his reply was that he could not remember as to which one he took and he could not say anything even after case diary No. 1 was shown to him. His attention was next drawn to Mr. Sanjevi's note saying that Annexure V, Ex. 5, was sent, even then he could not remember anything about it because the note was with Deputy Superintendent Jaswant Singh and he could not say whether it was Ex. 5 or not. Ex. 5 (copy of Ex. 5A) was shown to him. He could not say whether that was taken by them.

24.68 The attention of this witness was again drawn to a statement that "they gave description of three Marathas may be four" his reply was that he could not remember as the matter was 20 years old. Diary No. 3-A was read out to him and he said they took a precis in English of the statement of Madanlal at the foot of which there is note of Superintendent of Police of New Delhi. Deputy Superintendent Jaswant Singh handed over the statement with the note to Mr. Nagarvala. He had made the entry in the diary at the dictation of the Deputy Superintendent Jaswant Singh. As far as he could remember, the document was in a closed envelope. When he was asked which was the note to which reference is made in diary No. 3-A and which he attached thereto, he said that he could not say anything nor could he say whether the document, Ex. 5A, was the note which was returned by Mr. Nagarvala and attached to the diary.

24.69 When he was asked whether Ex. 5 was the document which was attached to the diary No. 3-A, he said he could not remember. He added that he was standing outside when Deputy Superintendent Jaswant Singh was talking to Mr. Nagarvala. When asked whether he would be able to contradict the statement made by Mr. Nagarvala that no document was given or shown to him, he said that he would not be able to contradict him but added, "I would like to add that the diary is a contemporaneous document and it contains whatever I was told at the time it had happened and that "contradicts any statement to the contrary. Moreover, it is a written word against oral word". Indeed a clever and logical reply.

24.70 In cross-examination by Mr. Chawla, the witness said that diaries are written on the days and the times which they purport to show. They are never ante-dated.

24.71 He also stated that a letter was given by Mr. Sanjevi addressed to Mr. Nagarvala and that they were directed to contact Mr. Nagarvala and acquaint him with the facts of the case and that he would give them police assistance. There is no evidence to support the giving of a letter by Mr. Sanjevi.

24.72 His attention was then drawn to Ex. 36 which is in police diary No. 1 and he was asked if he took a copy of that statement or copy of some other statement. His reply was, "I cannot remember which one we took but as far as I can recollect it was fuller statement of Madanlal, more likely the one which is at page 54 of the diary

and this has been marked Ex. 1 by Mr. Pathak". He also stated that Madanlal did make a statement at midnight of January 20.

Inspector Dasondha Singh, Wit. 14—

24.73 Inspector Dasondha Singh being the Station House Officer of the Police Station of the area wherein the offence of the explosion of the bomb was committed, has written important police case diaries, particularly No. 1. His statement as witness No. 14 was that he correctly took down what was stated by Madanlal on the 20th January, 1948, and the Delhi Police officers took with them a copy of that statement in Urdu, i.e., a copy of paragraph 15 of the case diary. Then he said that Ex. 5 was a brief summary in English of Ex. 6 which they might have taken but he had never seen that document before.

Inspectors Jai Dayal (Wit. 16) & Dayal Singh (Wit. 60)—

24.74 Inspectors Jai Dayal, witness No. 16, and Dayal Singh, witness No. 60, were both examined. The former stated that he had no police papers before he started interrogating Madanlal and the statement of Dayal Singh is also to the same effect. Besides, Jai Dayal's statement as to Ex. 5 was that he could not remember if he wrote it or some one else did.

Dy. S.P. Jaswant Singh—

24.75 Unfortunately Deputy Superintendent Jaswant Singh is dead but he was examined at the trial as PW 117. He stated the object of his going to Bombay was to inform Mr. Nagarvala as to what had happened at Delhi and also to effect the arrest of the accused said to be connected with the offence of the bomb throwing. At that stage no question of Ex. 5A or its correctness or that of case diaries No. 3-A and 4-B had arisen and so naturally he could not have deposed in regard to them even if they could be relevant at the trial. But the Inspector General of Delhi Police has produced with his affidavit a document, Appendix D, which appears to be a statement of Jaswant Singh, really a brief of what he was going to depose in court. There, and it may be for very good reasons, is no mention of any document being shown to Mr. Nagarvala nor is there any mention of any requisition being taken or delivered to Mr. Nagarvala. It is true that Ex. 5A containing confessional statement of Madanlal was inadmissible in evidence but there was nothing to prevent Jaswant Singh saying that a document containing an account of what had happened at Delhi and the information that the police had gathered was given to Mr. Nagarvala.

24.76 The evidence of two of these three witnesses, i.e., witness No. 42, R.C. Bhatia and witness No. 17, Mr. Amar Nath Bhatia establishes a joint scribing if not authorship of this document, Ex. 5A, but it does not show the time or the date or the occasion or the necessity for doing so, still less whether this jointly produced document was carried across the skies and placed into the hands of Mr. Nagarvala to be handed back by him after it had informed him of its import and after his scanning it for bits of important information. Witness R.C. Bhatia (No. 42) only owns up scribing the first page of Ex. 5A and about half of the back page but has no clear recollection of when he did it and he has vaguely stated that it was dictated to him by witness No. 17, Amar Nath Bhatia.

24.77 Witness No. 13, Rai Sahib Rikhikesh's recollection is with regard to another document, different from Ex. 5A which was what he took down as notes from out of the statement of Madanlal but the piece of paper on which he wrote was only a half foolscap size sheet and it was that, that was handed over to Deputy Superintendent Jaswant Singh; but he never found out what happened to it and as far as the evidence before the Commission goes, nothing further is known of that document.

24.78 Witness No. 17, Amar Nath Bhatia, has given a varying account of how Ex. 5A came into existence. He admits that half the portion at the bottom of the back page of Ex. 5A is in his handwriting and that it is a gist of what is contained in the earlier part of Ex. 5A. After his attention was drawn to many documents on the file, his final explanation was that this was a document which was prepared for his use only and he kept it on his table so that it would form as a kind of an aid which could be used whenever any high official asked him about the facts of the case; and finally we have the statement of Inspector Balkishan whose testimony would have been of immense help but unfortunately he is not quite clear whether Ex. 5A was taken by Jaswant Singh and himself to Bombay or not. This, in short, is the state of evidence in regard to this Ex. 5A, its genesis, its *raison d'être* and the occasion for its creation.

24.79 What the statements of the above three witnesses come to is this—

- (1) Two of them, witness No. 42 R.C. Bhatia and witness No. 17 Mr. Amar Nath Bhatia are the scribes of Ex. 5A—three-fourths is in the handwriting of R.C. Bhatia and the other fourth in the handwriting of Mr. A.N. Bhatia.
- (2) There is no accord between these two witnesses as to when the document was written except this that Mr. A.N. Bhatia dictated it and R.C. Bhatia took the first portion down. And it was completed by Mr. A.N. Bhatia by adding what he calls the gist of the whole document.
- (3) This document, says Mr. A.N. Bhatia, is wholly his document meant for his use and was kept on his table to help him in answering enquiries made by higher officers but actually it was never used.
- (4) Mr. R.C. Bhatia does not know if it was sent to Bombay and Mr. A.N. Bhatia is sure that it was never sent and could never have been sent.
- (5) Rai Sahib Rikhikesh, the third witness, had no knowledge about Ex. 5A. What he wrote down was more like what is contained in Ex. 6, the statement of Madanlal, made on the 20th January, 1948. But he wrote on a half foolscap size sheet of paper which was handed over to Deputy Superintendent Jaswant Singh under the orders of Mr. Sanjevi for being taken to Bombay. But he never enquired as to what happened to it.

24.80 Thus two Superintendents of Delhi Police do not support Ex. 5A being sent to Bombay and the third witness, the Station House Officer of Parliament Street Police Station, in whose Police Station confession, Ex. 6, was taken down, is rather vague about its date and its user and even its source. Unfortunately, Commission finds little assistance from the testimony of Inspector Balkishan, witness No. 12.

24.81 And Sub-Inspector Dasondha Singh who was the scribe of Ex. 6 stated that an Urdu copy of that statement of Madanlal was taken by Jaswant Singh.

V. Shankar, Wit. 1(P) Wit. 10(K)—

24.82 Mr. V. Shankar, who was witness No. 1 before Mr. Pathak and witness No. 10 before this Commission, stated that the police did not have any tangible evidence about the conspiracy until they got a confessional statement from Madanlal after which both the Intelligence Bureau and the Bombay Police were on the trail of persons mentioned by Madanlal but Nathuram Godse knowing all this managed to evade the watch.

24.83 Madanlal's statement recorded by the Delhi Police, rather a report of that statement, was, according to Mr. Shankar, put up by him before Sardar Patel. When Ex. 5 was shown to him he said that he only remembered a report of the statement which was received by the Sardar but he could not say whether the statements themselves which were shown to Mr. Shankar were put up before the Sardar the statements shown to him were Ex. 5 and Ex. 6.

R.N. Bannerjee, Wit. 17(P) Wit. 19(K)—

24.84 Mr. R.N. Bannerjee, witness No. 19, who was No. 17 before Mr. Pathak, stated that he did not know of the conspiracy to murder Mahatma Gandhi prior to the 30th of January, 1948, and the first time he came to know about it was after the cremation of the Mahatma's body when a High Powered Committee held an informal meeting on January 31, 1948, at the Home Minister's residence where the confessional statement of Madanlal was read out by Sanjevi, who also said that he had sent a copy of that statement with two policemen to Bombay on the 21st January, 1948. The confessional statement disclosed that there had been a conspiracy to murder Mahatma Gandhi and the conspiracy had been in existence for some time. Madanlal had given the names and particulars of the conspirators and two or three places in Bombay were also mentioned as meeting places or haunts of the conspirators and Madanlal had told the police 'PHIR AYEKA'. Mr. Sanjevi admitted at the meeting that he had not reminded the Bombay Police. The statement which was read out by Sanjevi contained particulars and haunts of some of the persons who were accused and convicted at the murder and according to Mr. Bannerjee if the police had been vigilant, it should have been possible for them to have arrested these people particularly when Nathuram Godse and Apte were in Delhi on 29th and were reconnoitring Birla House and the places roundabout.

24.85 Mr. Bannerjee was shown Ex. 6 and asked whether that statement was read out at the meeting. His reply was that although he could not clearly recollect now yet what was read out gave more particulars about the bomb, the haunts and about 'PHIR AYEKA'. The witness was then shown Ex. 5 and he said that he could not say if he ever saw it before. Everybody understood from Sanjevi's statement at the meeting of the 31st that the full confessional statement made by Madanlal was sent to Bombay. The substance of that statement was that Apte and Godse must have gone back to their two or three haunts in Bombay. He was asked as to how Sanjevi could have mentioned the names of Apte and Godse when those names are

not in the statements placed before the Commission, Mr. Bannerjee's answer was that it may be that after the arrest of Godse, the police must have concluded that the descriptions given in the earlier statement were those of Godse and Apte. Mr. Bannerjee also said that they relied on the efficiency of the police wherein they were proved to be wrong. As far as he could remember, at the meeting of the 31st January, two Bombay haunts of Godse and Apte were mentioned.

24.86 Therefore, the statements of two important officials of the Home Ministry—one Home Secretary and the other Private Secretary to the Hon'ble the Home Minister—show that according to what was represented to them, a statement was sent to the Bombay Police through the police officers but there is nothing to indicate what the statement was. Mr. Shankar, when shown Ex. 5, said that the statement shown to the Sardar was more detailed than that and whether it was Ex. 1 or Ex. 6 he could not say. Similarly, Mr. Bannerjee was not clear as to what statement was read out by Mr. Sanjevi. But he did mention two or three Bombay haunts of Godse and Apte.

Miss Maniben Patel, Wit. 79—

24.87 The third witness who is important in connection with Ex. 5 is Miss Maniben Patel. Statement of Madanlal was shown to her and she stated that a statement of Madanlal was shown to her father and portions of it were read out to him.

24.88 This evidence is more in support of the fuller statement of Madanlal being sent to Mr. Shankar and through him to Sardar Patel. But it is hardly sufficient to prove the existence of Ex. 6 made on 20th January nor does it support that Ex. 5A was sent to Bombay.

U.H. Rana, Wit. 3—

24.89 Another witness whose testimony is relevant to the question of Ex. 5A is Mr. U.H. Rana, witness No. 3. Mr. Rana referred to his letter, Ex. 31, in which he said that Madanlal did not make a clean breast till the 23rd or 24th January and a copy of Madanlal's statement was made available to him on the evening of 25th and he left the same night. He was not told by anyone that Madanlal had made a statement to the police on the midnight of the 20th January, 1948. Sanjevi had told him that amongst the conspirators there was a Sadhu wearing a beard but did not tell him about the manager or editor of the *Rashtriya* newspaper. Nor did Mr. Sanjevi tell him on the 21st morning that Madanlal had given descriptions of six companions or his co-conspirators.

24.90 The statement of Madanlal purported to have been made on the 20th January was read to Mr. Rana and he said that the D.I.B. had not told him anything about these descriptions. He again repeated that on the 21st January Mr. Sanjevi did not tell him that one of the persons described in the statement was the editor of the *Agrani* but it was mentioned to him that one of the associates was a Sadhu with a beard.

24.91 He emphatically said—

"Whatever the position of the Delhi Police might be, as far as my knowledge went, the names of *Agrani* and *Hindu*

Rashtriya were not mentioned till the 24th when the statement of Madanlal was read in Urdu and an English translation of which was given to me on the 25th January. From the fact that these officers had returned or were sent back by the Bombay Police and did not go further to Poona, it may be inferred that either the Bombay Police must have had all the necessary clues or the officers themselves did not go to Poona or their own. All my explanations in regard to the whole incident and acts of omission or commission are contained in my replies that I had sent to Mr. Kamte".

24.92 When he met Nagarvala on the 27th January, Nagarvala told him that the Delhi Police officers asked him to help in arresting Karkare and he never mentioned the newspaper *Agrani* or *Hindu Rashtra* or the editor or proprietor. The only name which Delhi officers mentioned to Mr. Nagarvala was Karkare's.

24.93 When he was asked whether he had seen Ex. 5A, his reply was in the negative.

24.94 In cross-examination by Mr. Kotwal he said that Mr. Sanjevi did not ask him to find out about the editor of a newspaper. Upto that time Madanlal had only mentioned three persons, Karkare and a Sadhu and a servant as his associates. From what Madanlal was saying to the investigating officers it appeared that his companions were Marathas from Bombay side but it was not mentioned that anyone of them was connected with any newspaper. As soon as Marathas from Bombay were mentioned, he suspected Savarkar and his group.

24.95 The witness had never heard that the police officers took a *precis* of what Madanlal had said. Mr. Sanjevi, he said, had told him that it would be sufficient if he took the necessary steps on reaching Bombay and Poona but that he should proceed cautiously and discreetly showing that he did not apprehend a repeat attack by Madanlal's co-conspirators. When his attention was drawn to his statement made previously that one of the persons mentioned was the editor of the newspaper, Mr. Rana's reply was that he must have made that statement under a misapprehension. He had not then read his previous letters, Ex. 30 and 31. In reply to Commission he said that he had written in one of his letters that Madanlal had not made a statement till about the 23rd or 24th January. Mr. Rana repudiated the suggestion which was going about that Mr. Morarji Desai never told Nagarvala anything.

24.96 He said that he had seen a notebook with Nagarvala which had 7 or 8 names. After going through Ex. 30 he said that these names did not include anyone who could be said to be an editor of a newspaper. If it had been mentioned to Nagarvala that one of the associates of Madanlal was the editor of a newspaper, that fact would have been mentioned in the diary.

Nagarvala's knowledge of Godse and Apte—

24.97 Mr. Kowal has brought to the notice of the Commission two more circumstances which militate against Nagarvala being aware of the *Agrani* or the *Hindu Rashtriya* or of their editor and

proprietor before the assassination of Mahatma Gandhi. These two circumstances were—

- (1) The information conveyed to Mr. Nagarvala by the detenus Chavan and Limaye that if Godse was the assassin then Savarkar must have been at the bottom of the conspiracy and that Apte must also be in it. And
- (2) when the police went to search the house of Savarkar he met them in front of his room in the house and asked them whether they had come to arrest him, showing as it were a guilty mind.

24.98 He has for the purpose of the first relied on the Crime Report No. 2 of the Bombay Police, dated January 31, 1948. This report mentions that Chavan and Limaye arrested and detained in connection with bomb outrages in Bombay disclosed that if Nathuram Godse was the assailant of Mahatmaji, then the facts would be known to Savarkar, his Secretary Damle and his bodyguard Kasar. Limaye also said that Savarkar must be fully aware of the facts because Godse must have consulted him before carrying out his plot, and Chavan said that Savarkar was at the bottom of this assassination and that if N. Godse had committed the offence, Apte must have been one of his accomplices because Godse never does anything without taking Apte with him. He has also said that both of them had gone to Delhi together. Consequent upon this information, Damle and Kasar were both interrogated by the police. Further, as a consequence of their statements, Savarkar's house was searched and in Bombay it could not have been done unless the police had some tangible proof of the complicity of Savarkar. Savarkar was a prominent Maharashtrian and Hindu Mahasabha leader and his arrest or search of his house was not going to be unnoticed by his fanatical followers and non-fanatical admirers which were hordes. So the police had to be very careful and circumspect. Mr. Nagarvala has deposed that if he was arrested before the murder there would have been a flare up in Maharashtra.

24.99 There is a recital of something which is very significant, that is, when the police party went to search the house of Savarkar, he met the party in front of his room and asked them whether they had come to arrest him in connection with Gandhiji's murder. Of course, this is only a statement made and recorded in a police diary and may not be admissible in evidence in a court of law but if it is true then it shows that Savarkar was all the time expecting to be arrested in connection with the murder, the reason for which is not indicated in the police diary.

24.100 An interrogative questionnaire was issued to the Inspector General of Police, Delhi, to which replies were given on affidavit. Naturally the statement is not and cannot be from personal knowledge of anyone. It must necessarily be, as indeed it is, based on official records or whatever exists in official files after 20 years. In answer to question No. 6, the Inspector General of Police, Delhi, has stated that although Madanlal did not make a statement under section 164 Cr. P.C. he did make a statement before the police which was recorded in diary No. 1 dated 20th January, 1948. The steps taken by the Delhi Police as a result of the statement are also contained therein.

24.101 In reply to question No. 10 as to what document was taken by the two Delhi Police officers when they flew to Bombay on the 21st January, the reply is that as mentioned in the relevant case diary a note in English incorporating a precis of the statement of Madanlal before the police was handed over by Jaswant Singh to Mr. Nagarvala. Thus, the answers given by the Inspector General show that there was a statement of Madanlal recorded on the 20th January, 1948, a precis whereof was sent through Jaswant Singh and handed over to Mr. Nagarvala and that document is Ex. 5A. The case on this point is thus identical with that in Ex. 7, the note of Mr. Sanjevi.

24.102 Now there are two statements purported to have been made by Madanlal to the Delhi Police as is disclosed by the police case diaries. The first one is Ex. 6 or Ex. 36 which was made on the 20th January *vide* police diary No. 1 and the second is Ex. 1 which was made on the 24th January a copy of which was made available to Mr. Rana on the 25th.

24.103 Mr. Kotwal has drawn the attention of the Commission to the difference in the contents of the two documents, Ex. 6 and Ex. 1, as reflected in Ex. 5A. And his submission is that that comparison of the three documents Ex. 6, Ex. 5A and Ex. 1, i.e., the alleged statement of Madanlal dated January 20, 1948, the document allegedly taken to Bombay and Madanlal's police statement dated January 24, 1948, provides intrinsic evidence that Ex. 5A is not a precis of Ex. 6 and is more that of Ex. 1 and therefore could not have been in existence on January 21st when Deputy Superintendent Jaswant Singh with Inspector Balkishan left for Bombay; and could, therefore, not have been taken by the two police officers. A comparison of the three documents shows the following difference—

Page 29, top in Ex. 1—

"Karkare, also proprietor of a hotel—Deccan Guest House" are not in Ex. 6 but they exist in Ex. 5A and in Ex. 1.

"Room No. 2" are not in Ex. 6 but they are in Ex. 1. Besides, in Ex. 6 the name of the Hotel is "Sharif Hotel" but in Ex. 1 it is "Sharif Hindu Hotel". That is so also in Ex. 5A which may perhaps be a minor discrepancy.

The words "also clothes given for laundry through Ram Singh" are not in Ex. 6 but they are in Ex. 5A and also in Ex. 1.

"Rs. 15 for sewing charges of *pent* and for washing charges" are not in Ex. 6 but they are in Ex. 5A.

The name of "Sham Deshpande" is mentioned in Ex. 1 and in Ex. 5A but not in Ex. 6.

Page 38, middle of Ex. 1—

"Going to Paharganj to get refugees to make noise in the meeting" appear in Ex. 1 and Ex. 5A but not in Ex. 6.

Similarly, "Om Baba was brought to the Sabha by police" and "three Marathas came to the Sabha are not in Ex. 6 but are in Ex. 5A. There is mention of Om Baba in Ex. 1 but none in Ex. 6.

Page 38, middle of Ex. 1—

"On 20-1-1948 Karkare left at 6.00" is not in Ex. 6 but it is in Ex. 1 and in Ex. 5A.

Page 40, middle of Ex. 1—

"Went in tonga with Karkare at 3.45 p.m." is not in Ex. 6 but they are in Ex. 1 and also in Ex. 5A.

24.104 A very much more important omission and that is in Ex. 1 is the non-mention of the editor "Rashtriya" and "Agrani" (Maratha newspaper). In Ex. 1 at item No. 3 the description is Proprietor of "Rashtriya" newspaper but in the body of Ex. 1 the word used is "Hindu Rashtriya". There is no mention of the word "Agrani" in Ex. 1 which is longer and later statement nor does the description in item 3 of Ex. 1 fit in with that of the editor of the "Rashtriya" and the "Agrani" in Ex. 6 which would considerably impair the authenticity of Ex. 6.

24.105 These omissions in Ex. 6 support Mr. Kotwal's contention that Ex. 5A is more like a *precis* of Ex. 1 than of Ex. 6. At this stage it would be pertinent to observe that one would have expected if the statement, Ex. 36 or Ex. 6, had been made and recorded as now deposed, a copy of it would have been taken by Jaswant Singh with him rather than merely a scrappy *precis*. It certainly is more intelligible and informative than its purported *precis* Ex. 5A. Commission has been unable to discover from the evidence any reason why a copy of Ex. 6 which was ready by midnight of January 20 should not have been taken by the police officers to Bombay and a scrappy, sketchy with meagre identifying description of accused should have been flown across the skies and why that document contains more than what Ex. 6 contains and contains things which only Ex. 1 has and even what that document has not got e.g. editor of "Agrani and Hindu Rashtriya". The former evidently became known after the assassination and the latter is in Ex. 1 but reference there is to proprietor and not the editor.

24.106 Sub-Inspector Dasondha Singh, witness No. 14 has stated on oath that para 15 (Ex.36) of case diary No. 1 which is Madanlal's first statement was written by him and the statement was as shown in the diary. He also stated that Jaswant Singh took a copy of the statement in Urdu of that statement. If this is correct then there could be no reason for also taking Ex. 5A. And there was ample time to even get Ex. 36 or Ex. 6 translated into English. Even without an English translation it could have been read out to Mr. Nagarvala who had served in the Province of Sindh also without his having to solve a conundrum which Ex. 5A presented.

Mr. Nagarvala, Wit. 83—

24.107 Mr. Nagarvala, witness No. 83, has on the other hand stated that the two officers who came to see him at his office told him that they had come to arrest "Kirkeree", and Nagarvala said that he would give them all the help that they needed from him. They brought no letter of any kind nor any communication from any senior officer. They had a small slip of paper on which one or two words were scribed in Urdu. That is all that he saw; and when he was asked whether he had stated in any document or had mentioned this to the Home Minister, Bombay, he said that whatever

he had brought out in his Crime Report dated 30-1-1948 is the sum and substance of all the information that he had collected in regard to the bomb case upto then, i.e., upto that date. And he repeated that officers brought no document of any kind whatever. Document Ex. 5A was shown to Mr. Nagarvala and he was asked if Deputy Superintendent Jaswant Singh brought it to him, and his reply was that he was seeing it for the first time. He emphasised that the Delhi Police officers had no other information to give him. Their request was for arresting Karkare, even whose name they did not know properly, and he emphatically denied that any *precis* of the statement of Madanlal was brought to him nor did Bombay Home Minister give any instructions other than in regard to Karkare and Savarkar. In reply to a question by the Commission, Mr. Nagarvala said, "They had no documents excepting a small piece of paper on which they had something written in Urdu—one or two words written in Urdu". (The reference is to Jaswant Singh). Commission asked him again as to Ex. 5A and he said that he was certain that they did not show it to him and that he had not seen this document before. All they wanted was the arrest of Karkare.

24.108 The conversation as recorded in Ex. 3, i.e., diary No. 3-A, was read out to Mr. Nagarvala and he said that it never took place and as far as he was concerned, it might be a fake.

C.R. Pradhan, Wit. 41—

24.109 Another witness belonging to the Bombay Police whose statement is relevant is C.R. Pradhan who was at the time a Sub-Inspector. He stated that Mr. Nagarvala had told him that the Punjab officers had come for Karkare and he did say that they had not brought any document with them. If they had brought any such document, Mr. Nagarvala would have handed it over to him as he was assisting in the investigation. "I am hundred per cent sure that no paper was given to Mr. Nagarvala".

24.110 The sum total of this evidence is this: Mr. Navargala has stated on oath that Ex. 5A was never shown to him. The two Superintendents of Police of Delhi, Rai Sahib Rikhikesh, witness No. 13, and Mr. Amar Nath Bhatia, witness No. 17, have said that this was not the document which was sent to Bombay. As a matter of fact, Rai Sahib Rikhikesh had not seen this document before and whatever he wrote, was on a sheet of paper of half foolscap size and it was that sheet of paper which according to him was sent to Bombay and Ex. 5A is written on both sides of a full foolscap size sheet of paper.

24.111 In the descriptive part of Ex. 36 (or Ex. 6) the name given is "the *Rashtriya* and *Agrani*" and persons designated is the editor though "Maharaj" a manager of *Rashtriya* newspaper is also mentioned in the body of the statement. In Ex. 1 which is the fuller statement made on the 24th January after a more vigorous and continuous interrogation the name of the paper is given as the "*Hindu Rashtriya*" and the person is described as proprietor of that paper. The word "editor" or his name is not there nor is the "*Agrani*" mentioned. As a matter of fact, the word "*Agrani*" was used by Nathuram Godse for the first time after his arrest and it was not used anywhere before; because no one knew about it. It could not have been mentioned by Madanlal; it had ceased to exist in July or August 1947 before Madanlal went to Poona with Karkare.

24.112 On 4th of February, 1948, Madanlal was taken to Bombay and was examined there by the Bombay Police. In his long statement he did not use the word "Agrani". From all this Mr. Kotwal wants the Commission to draw the inference that the addition of the word "Agrani" shows the falsity of both Ex. 5A and Ex. 6 or Ex. 36.

24.113 Mr. Kotwal submitted that even Ex. 244 which is a document dated 22-1-1948 on a blue sheet of paper and purports to have been sent to all the C.I.D. officers and men in Delhi giving description of the accused is a false document because of the mention of "the Agrani". This document is signed by Deputy Superintendent Kartar Singh of Delhi C. I. D. it was not before the Commission when that gentleman was examined and therefore he was not asked any question about this document. But this document cannot carry the matter further and must share the fate of Ex. 6. Even if it is not shown to be a false document, it does not show that this information was conveyed to Bombay. Besides, it has the name of Apte which no one knew and it has many corrections in its description of the accused persons which are in some instances quite contradictory of each other. And one description conforms to what was received from the Poona C.I.D. after the murder. Commission considers it unnecessary to subject it to any further analysis or criticism and it will be enough to say that the document is not very helpful in determining the question whether Ex. 5A was taken to Bombay and shown to Mr. Nagarvala. A photostat copy is attached herewith and its very look will show that it has little evidentiary value and is worthless.

24.114 Now there is a sharp conflict of testimony. Mr. Nagarvala has denied on oath that Ex. 5A was ever taken to Bombay or shown to him, Inspector Balkishan's evidence, the Commission regrets to say, is not of that quality that it could be of much assistance to the Commission. By remaining outside while his superior officer was having an interview with Mr. Nagarvala he has pleaded *alibi* and therefore he can have no personal knowledge. Otherwise too his testimony cannot be said to be characterised by those qualities which would make it useful.

24.115 Fortunately there is some documentary evidence which can be determinative of this controversial question. This evidence consists of three documents of undoubted authenticity which is indicative of neither the name Hindu Rashtriya nor the name Agrani having been disclosed to Delhi Police on the 20th January by Madanlal. These three documents are—

- (1) Special Report of the Superintendent of Police, New Delhi, under R. 24.14 of the Punjab Police Rules. Ex. 84, 84A and 84B.
- (2) Report of Mr. D. W. Mehra presented to the High Powered Committee on January 31st or February 1, 1948. Ex. 10 or Ex. 10A.
- (3) Note of Mr. Sanjevi himself, Ex. 7B, to the Home Ministry dated February 4, 1948. This document is referred to in his note Ex. 7 as having been sent as a covering note to the Private Secretary to the Home Minister on February 4, 1948.

1101-A

1. Marhatta, name unknown. Swallow complexion, thin build, keeping beard and moustaches, Sikhs, height 5' - 4", aged 32 years, wears turban on his head.

2. Marhatta, name unknown. Thin; round face, keeping beard in fashion 10-4, height 5' - 4", aged 20/21.

3. Marhatta, name unknown. Fair complexion; thin built, keeps his lips closed bursting outwards; small eyes; height 5' - 6"; aged 22 years. Can speak Punjabi also.

4. Marhatta, name unknown. Wheat complexion; round face; small eyes; nose speckled; no hairs on either side of face except on cheeks and chin (upper part). Height 5' - 6"; aged 34/35 years. Can also speak Hindustani.

5. Marhatta, name unknown. He gave his name as Lash Pandai. Swallow complexion; always keeps muffer round his face; height 5' - 5"; aged 32 years; can speak Marhatti only.

6. Marhatta, name unknown. Black complexion; strong and stout built; height 5' - 2/3"; aged 33/34 years.

Copy forwarded to all the Section Officers of the C.I.D. for keeping a look out for these individuals. Every possible efforts should be made to place them out and arrest them.

Kartar Singh
DEPUTY SUPERINTENDENT OF POLICE,
C.I.D. DELHI.

For information
SP M. 22/1 20/P
RSP/P. 22/1

Ex-244

Ex-244

Ex. 244: (See para 24.113)

24.116(1) The Special Report, Ex. 84 and 84A, bears the signature of Superintendent Amar Nath Bhatia. Under Punjab Police Rules then applicable to Delhi and under R. 24.14 and items 13 and 22 thereof the sending of this report was incumbent on the Superintendent of Police in cases of Explosive Substances Act. copy of the report is Ex. 84B. It purports to have been prepared on January 22 and the report sent out on the 26th from the office of D.I.G. The delays in sending out important documents was endemic in Government machinery in Delhi also.

In para 2 of Ex. 84 all that is said is that one of the accused "is known as Karkare and the other is known as Maharaj..... and four others whose names have not been disclosed by Madanlal came to Delhi". Now the omission of any reference to the "Hindu Rashtriya" or "the Agrani" is most significant because information required to be sent under statutory rules and under the statutory duty of the Superintendent of Police, one should think, has to be complete and descriptive so as to enable the outside police to apprehend the accused person or persons mentioned in the report or to immediately inform the senior police if the accused are within the jurisdiction of another police. One cannot treat statutory rules as merely procedural or just a formality to be complied with in form only without due care and caution. Mr. Amarnath Bhatia has stated that the special report was sent under his signatures and whatever was written therein was correct in the sense that it was taken from the case diaries of the investigation prepared by the C.I.D. Copies of this special report were sent from the office of the D.I.G. to the various officers mentioned in that document. In cross-examination Mr. Amar Nath Bhatia admitted that the information contained in the report though drafted by subordinates must have been from official records, i.e., the case diaries of the bomb case. When an officer of the rank of a District Superintendent of Police sends a special report required to be sent under statutory rules and it is collected from the case diaries, it would not without anything stronger to the contrary be stretching the law if it is presumed to be correct according to what was contained in the case diaries. It is significant that in Ex. 84 and Ex. 84A, there is no mention of "Hindu Rashtriya" or "Agrani" nor of Poona or Bombay. Mr. Bhatia was specifically asked about the correctness of the special report and his reply was that he got the information regarding the accused persons being Karkare, Maharaj, Madanlal and four others from the police diaries and he could not say why the words "Agrani" or "Hindu Rashtriya" were not in the report. The case diary No. 1 in paragraph 14 shows that District Superintendent of Police Amar Nath Bhatia was present when Madanlal was interrogated on 20th January and one should have thought that if the editor of the "Rashtriya" or the "Agrani" was mentioned by Madanlal on the very first occasion, it would not have escaped his attention at the time of the preparation of the special report even if his subordinates had failed to mention them in the information they gave.

24.117(2) In Ex. 10 dated February 1, 1948, which was annexure VI to Mr. Sanjevi's note, Ex. 7, Mr. D. W. Mehra, D.I.G., Delhi has given what was contained in the statement of Madanlal made on 20th January 1948. This document was prepared by the D.I.G. Delhi for

presentation to the High Powered Committee on February 1 or January 31, 1948, perhaps nothing could be higher and the Commission cannot ascribe casualness or ignorance or inefficiency in compiling it. It says that in his statement Madanlal had named the following persons in the conspiracy to kill Mahatma Gandhi:—

- (1) Karkare, (2) Maharaj, (3) a Maratha of sallow complexion who generally keeps a muffler round his face and neck.

Other three were—another Maratha, a servant and another Maratha.

Thus, even when a note was being sent by the D.I.G. Delhi, Mr. Mehra, to be presented to the High Powered Committee on February 1, 1948, the editor or proprietor of the *Agrani* or of the *Hindu Rashtra* or of the *Rashtriya* is not mentioned, a most significant omission indeed.

24.118^(a) In Ex. 7B which is annexure VII to Mr. Sanjevi's note, Ex. 7, and is dated February 4, 1948, all that is stated is that on the 20th, late at night, Madanlal made a statement implicating six others of whom he knew the name of only one. In regard to two he gave vague description of their appearance. There is nothing in Ex. 7B to show that Madanlal had stated anything further or that he had named or indicated that there was a person who was either editor or the proprietor of the "*Agrani*" or the "*Hindu Rashtriya*" of Poona or of any other place.

24.119 Now if this document Ex. 7B correctly represents what Mr. Sanjevi knew then it is destructive of the claim that besides Kakare, Madanlal had on the 20th disclosed the participation in the bomb throwing of the editor or proprietor or both of the Marathi newspaper the *Agrani* or the *Hindu Rashtriya*.

24.120 Thus, we have two highest police officials of the Delhi Police giving information in two separate documents as to what had been stated by Madanlal in regard to his co-conspirators; in neither of these documents is there mention of the *Agrani* or the *Hindu Rashtra*. And they both refer to what Madanlal had stated to the police on 20th January 1948.

D. W. Mehra, Wit. 23—

24.121 As to how Ex. 10A came into existence is deposed to by Mr. D. W. Mehra, witness No. 23. He was asked how he came to send the note to the High Powered Committee when he was not directly in charge of the investigation. His reply was:—

"I was directed by Mr. Sanjevi, on the telephone to get help of Bhatia or Rikhikesh and after getting the facts, prepare a note. This note was sent to Mr. Sanjevi who made certain corrections on it. It was retyped and sent."

When asked why no reference was made to the fuller statement of Madanlal, Ex. 1, Mr. Mehra's reply was that he got the facts from Bhatia and Rikhikesh and whatever they told him to be the statement of Madanlal he accepted that to be correct and on that basis dictated his note, Ex. 10. He did not know at the time that a fuller statement had been made. He also said that it

was correct that neither the *Agrani* nor the *Hindu Rashtra* was mentioned in his note. That was because he had read no statement and whatever was given to him by the two Superintendents, he took to be correct. The following question and answer are, in the context, important:—

"Q. Would it be correct to infer from this that newspaper *Agrani* or *Hindu Rashtra* or their editors were never mentioned by Madanlal and it was afterwards that the fact was introduced?

A. I cannot say anything because I had not seen the original statements. I took down the facts as given to me by Mr. Bhatia or Mr. Rikhikesh or both."

So that if two Superintendents of Police in Delhi when required to give to their D.I.G. facts required to be presented to the highest in the land after scrutiny did not include the editor or proprietor of a highly aggressive and violently anti-Gandhi newspaper the *Agrani* or the *Hindu Rashtra*, it can fairly be inferred that there was no mention of it or of them in the case diaries of the Delhi Police. It can lead only to two alternative conclusions of fact:—

- (1) The name the *Agrani* had not been mentioned by Madanlal nor the *Hindu Rashtriya*.
- (2) The police were trying to avoid that name having been disclosed earlier because if it had been and no steps were taken to trace him then it would have been an admission of negligence *simpliciter*.

24.122 Coming now to Ex. 7B, the covering note of Mr. Sanjevi dated February 4, 1948, it appears that this document also was based on the information which the police officers had given him. Naturally it is on the same lines as Ex. 10 or Ex. 10A.

24.123 Ex. 7B and Ex. 10 or Ex. 10A prove that neither Rai Sahib Rikhikesh nor Mr. Amar Nath Bhatia was aware after Madanlal's first statement of the name or existence of the "*Agrani*" or the "*Hindu Rashtriya*". This supports the contention that on the 20th January 1948 Madanlal could not have given out the names of the editor of the *Agrani* and the *Hindu Rashtra*. It may be mentioned that although Madanlal mentioned in his statement, Ex. 1, the proprietor of the "*Hindu Rashtriya*" he did not even there mention the name of "*the Agrani*". Nor did he mention the name in his long police statement made at Bombay which runs into 63 typed pages. It appeared for the first time in Godse's statement after his arrest on 30th January when he was examined for two days by the police at Delhi up to February 1, 1948. It would not be unreasonable to infer therefore that Madanlal did not know the name the *Agrani* and could not have disclosed it in his first statement. Besides, in August 1947, the *Agrani* had ceased publication and had restarted *subnomine* the "*Hindu Rashtra*". It is more reasonable to conclude that Madanlal would not know the name the *Agrani* which had by then become defunct and would know its current name if he knew the name at all.

24.124 In the opinion of the Commission that seems to be a reasonable explanation for the omission of the name the *Hindu Rashtra*

or the *Agrani* from the Special Report, Ex. 84, from the report of Mr. D. W. Mehra, Ex. 10, and from the note of Mr. Sanjevi, Ex. 7B. They all must have had a common source, i.e., the police case diaries and evidently on January 20, 1948, the police did not have the name of either "the *Hindu Rashtriya*" or "the *Agrani*".

24.125 To revert to Mr. Nagarvala, he stated before the Commission that had he been told on the 22nd January 1948 that the editor and proprietor of the *Hindu Rashtra* or the *Agrani* was an associate of Madanlal, he would have sent a couple of his officers to Poona to contact the Poona Police because their addresses were available from his own records. (Exs. 198, 199 and 199A). His attention was drawn to the entry in the list of newspapers published in the Province of Bombay and he said that he was quite familiar with them as he was using the book frequently.

24.126 Again Mr. Nagarvala, in his cross-examination by Mr. Kotwal, stated that he kept a note book in which he entered notes of the investigation which he conducted between the 21st and the 30th of January; and the names of the editor or the proprietor of the *Agrani* or the *Hindu Rashtra* were not there. He added in reply to a question by Commission:—

"I would emphatically say that if I had come to know the names of the editor or the proprietor of the *Agrani*, there is no reason why I should not have taken such action as was necessary as I took in respect of others. Ex. 5A had not been shown to me.....there was no reason why I should not have proceeded against them as I did against the others".

He added that the names which the D.I.G. saw in his note book were not names which he learnt from Madanlal's statement.

24.127 In corroboration of this statement, Mr. Kotwal relied on the statement of Mr. Rana, witness No. 3 and Mr. Rana's letter to Mr. Kamte, Ex. 30. In paras 5 and 6 of that letter he had said that he remembered that in that note book of Nagarvala's the names of Badge and Karkare were there for whose arrest Nagarvala had started making efforts since before January 25, 1948. But the names of Godse and Apte were not there. In that letter it was also mentioned that Rana met the Home Minister and told him that Nagarvala was on the right track and should continue on the same lines and that he also told the D.I.B. the same thing. Mr. Rana as witness No. 3 stated—

"I can say that if Nagarvala knew or had been informed that one of the associates of Madanlal was the editor of a newspaper, that fact would have been mentioned in the diary."

Mr. Morarji Desai, Wit. 96—

24.128 Mr. Morarji Desai was examined in this connection and he said that he could not recollect Nagarvala having mentioned to him about the 21 Punjabis and Maharashtrians with 20 workers under each one of them. Details were not conveyed to him. Although investigation was under his (Mr. Morarji's) directions, the editor of the *Agrani* was not mentioned to him nor did Nagarvala tell him that the

Delhi Police officers had mentioned the editor of the *Agrani* as being one of the conspirators.

"There was not even an inkling of Godse and Apte being in the conspiracy before the murder.I could not imagine that it had been committed by someone from Poona. I knew that the editor of the *Agrani* was Nathuram Godse.

"Nagarvala never told me (Mr. Morarji Desai) that the Delhi Police officers who had come to Bombay had asked him to arrest the editor of the *Agrani*. If this name had been mentioned, even the most incompetent man would have arrested him. Nagarvala would have identified him at once if the name of the *Agrani* had been mentioned."

Mr. Morarji Desai was again asked if the names of Godse and Apte were mentioned in the list in which the names of people like Somnath Kapur were mentioned. His answer was, No, because Nathuram Godse's and Apte's names had not even transpired at that stage."

24.129 In his (Nagarvala's) Crime Report, Ex. 185, page 1, it is stated that the Minister told him that Karkare and Madanlal had seen Savarkar immediately before their departure to Delhi and he had ordered him to apprehend and arrest Karkare who hailed from Ahmednagar and also to apprehend the associates of Madanlal and Karkare.

24.130 The Crime Report also mentions about a suspicious looking person coming to the hotel, known as Arya Pathik Ashram, and it was decided to keep a watch on room No. 26. Mr. Lall seemed to suggest that N.D. Apte was staying in Room No. 30 and he was ignored because the emphasis of Mr. Nagarvala's investigation was on Punjabis. To the extent of the emphasis Mr. Lall may not be wrong but his reference to N. D. Apte appears to be erroneous. He had shifted to the Elphinstone Hotel and was not there on the 25th night.

24.131 If Nagarvala had known anything about the *Agrani* or the *Hindu Rashtra*, the Commission can see no reason why he would not have kept a watch on him as he was doing in the case of others though it proved abortive.

24.132 There is then Appendix E attached to the answers to the questionnaire issued to the Inspector General of Police, Delhi. This is an unsigned note of the Superintendent of Police, C.I.D., Delhi which says that after the arrest of Madanlal, investigation was taken over by Mr. A.N. Bhatia, Superintendent of Police, New Delhi. The interrogation of the accused was conducted by the local C.I.D. who had succeeded in finding out the details of the associates of Madanlal who hailed from Bombay, Poona and Ahmednagar. He had given description of other co-accused without their names which he did not know himself excepting that of Karkare, and "Madanlal had clearly given out that two of them were the proprietor and editor of *Hindu Rashtra* then known as *Agrani*. About the third, he had said that although a Maratha, he looked like a Sikh and gave his descriptions as well. This man was the owner of the 'Shashtra Bhandar' at Poona." This document then mentions that the accused stayed at the

Marina Hotel, Hindu Sharif Hotel and Hindu Mahasabha Bhavan, Room No. 3. The police searched Room No. 40 in Marina Hotel the same night and recovered a document. A search was conducted in Room No. 3 of Hindu Mahasabha Bhavan but nothing incriminating was found there. In paragraph 4 of that document, it refers to the recovery of the clothes with the initials N.V.G. (Nathuram Vinayak Godse) and secret instructions were given to all the C.I.D. staff to keep a careful watch and arrest these persons and a fuller description was given as stated by Madanlal and not less than seven private sources were detailed to go to the airport, railway stations etc.

24.133 The reference to N.V.G. and to Nathuram Godse is indicative of the instructions being of a date later than the murder because no one knew of that name before and even the initials N.V.G. were discovered on 23rd at about 11 A.M.

24.134 It is unfortunate that a document like Annexure E was produced at a late stage when the witnesses relevant to those documents had already been examined not once but more than once and therefore they could not be asked to comment upon them or be examined in regard to them.

24.135 This note appears to have a great deal of similarity to what is contained in Ex. 7, Mr. Sanjevi's note, and could well be the basis of that note and whatever is said about note 7 would apply equally to this note. Reference has already been made to Mr. Mehra's note, Ex. 10A, and to Mr. Sanjevi's note, Ex. 7B. It is not necessary to repeat what was contained therein except to say that neither of these documents, although they were written so many days after the bomb incident and after the first and even the fuller statement of Madanlal had been recorded and were based on information given by the two Superintendents of Police, contained the name of the "Agrani" or the "Hindu Rashtriya".

24.136 In view of this, the Commission finds it difficult to place much reliance on an unsigned note which is more descriptive of associates of Madanlal than any other authentic document placed before this Commission which came into existence upto the 4th February 1948.

24.137 A review of the evidence oral and documentary dealing with Ex. 5A does not establish that Ex. 5A was a *precis* of the first statement of Madanlal and the Commission is not satisfied that it was taken to Bombay or shown to Mr. Nagarvala. It is not proved to have been flown across the skies to Bombay, placed in Mr. Nagarvala's hands and then brought back to Delhi to form part of the police case diary No. 3-B.

24.138 To sum up, the evidence on the question of Ex. 5A is as follows—

- (1) The first police case diary dated January 20, 1948 which closed at midnight on that date was written by and deposited to by Inspector Dasondha Singh, witness No. 14. Paragraph 15 of this case diary purports to contain the statement of Madanlal wherein are mentioned the editor of the "Rashtriya and Agrani" Maratha newspaper and its manager.

- (2) Diary Ex. 3-A wherein in para 3 reference is made to the *precis* of Madanlal's statement with the note of the Superintendent of Police of New Delhi at its foot. It is also stated in that paragraph that verbally Mr. Nagarvala was told twice that Madanlal had named Karkare and had mentioned the editor of the *Hindu Rashtriya* newspaper and it was not known whether the editor belonged to Poona or the City of Bombay.
- (3) Ex. 5A itself is as mentioned in the case diary attached to the police case diary No. 3-A giving corroboration to the statement therein made that the document had been attached to the diary.
- (4) Case diary No. 4-B wherein again it is stated that the accused persons for whom the Delhi Police was looking were Karkare who belonged to Ahmednagar and was owner of the Deccan Guest House at Ahmednagar and was a Hindu Mahasabha leader and also the editor of the *Agrani* or the *Hindu Rashtriya*.
- (5) Inspector Balkishan, witness No. 12, although he has not specifically stated anything in regard to Ex. 5A and has pleaded *alibi* has stated that what he has written in the case diaries was dictated by Deputy Superintendent Jaswant Singh and he correctly took them down and must be taken to be correct.
- (6) Jaswant Singh was present when Madanlal was examined at the Parliament Street Police Station and even if he did not have Ex. 5A with him he could and would have given a resume of the statement of Madanlal and mentioned the editor provided Madanlal had named him. But the diary does not give any details.
- (7) As against this there is the fact that Madanlal who was interrogated for a long time by the C.I.D. officers did not mention the name of the *Agrani* in his fuller statement, Ex. 1, nor in his long statement which he made to the Bombay Police, when he was taken to Bombay on 4-2-1948 and it extends over 63 typed pages.
- (8) The *Agrani* had become defunct in July, 1947 and had restarted under the name "The Hindu Rashtra" and it is unlikely that Madanlal would have known the name "the Agrani".
- (9) The statements of Inspector R.C. Bhatia and of Police Superintendent A.N. Bhatia do not support the story that the document Ex. 5A could have been taken to Bombay. Superintendent A.N. Bhatia was definite that the document was written for his use and was kept on his table and could not have been taken to Bombay.
- (10) C.I.D. Superintendent of Police, Rai Sahib Rikhikesh has given a different story altogether, i.e., that he had written on a half foolscap size sheet of paper and that sheet he

gave to the police officers going to Bombay under orders and in the presence of Mr. Sanjevi and does not know what has happened to it.

- (11) There is intrinsic evidence to show that Ex. 5A is not the precis of Madanlal's first statement, Ex. 6 or Ex. 36. A comparison of Ex. 6 or Ex. 36, Ex. 1 and Ex. 5A shows that there are many facts stated in Ex. 5A which do not find place in Ex. 6 and are only in Ex. 1 and Ex. 1 was completed on the 24th January 1948.
- (12) Mr R.N. Bannerjee as witness No. 19 stated that Mr. Sanjevi at the informal meeting of 31st January 1948 said that a copy of Madanlal's statement was taken to Bombay. Ex.7, however, mentions the sending of Ex. 5A and not a full statement of Madanlal. A copy of Ex. 5A is annexure V and is Ex. 5.
- (13) Inspector Dasondha Singh as witness No. 14 has stated that he gave to Jaswant Singh an Urdu copy of paragraph 15 of case diary No. 1, i.e., Ex. 36. But there is nothing stated in Jaswant Singh's first case diary, No. 2-B dated January 21, 1948, as it should have been *vide* the statements of the two Superintendents of Police, of New Delhi and of C.I.D. Delhi.
- (14) The Delhi Police officers left at about 4.00 p.m. Paragraph 15 of diary No. 1 had, according to official records, been recorded in the diary by 12 midnight of the previous day. There was, therefore, plenty of time for a copy of the full statement contained in Ex. 36 being taken by the Delhi officers.
- (15) There is a sharp conflict of testimony in regard to Ex. 5A. Mr. J. D. Nagarvala who was Deputy Commissioner of Police has stated on oath that he had never seen Ex. 5A and whatever is contained in case diaries Nos. 3A and 4B might well be a fake.
- (16) There is no mention of the editor or proprietor of the newspaper *Agrani* or the *Hindu Rashtra* in the Crime Report of the Bombay Police officers. If the Bombay Police officers were looking for Karkare and Badge but neither of whom could they arrest or detect, there seems to be no reason why they should have denied the Delhi Police officers telling them about the editor and proprietor of the *Agrani* and *Hindu Rashtriya* also.
- (17) Mr. Rana, D.I.G., C.I.D., has stated on oath that he saw a small diary of Nagarvala in which the names of the suspects of the bomb case were contained and they did not have the name of Godse or Apte or of editor or proprietor of the *Agrani* or *Hindu Rashtra*. This is further corroborated by the correspondence which passed between Mr. Kamte, Inspector General of Police, Bombay and Mr. Rana (Exs. 30—33).

- (18) There are three important documents the authenticity of which is above reproach wherein neither the editor nor the proprietor nor the manager of the *Hindu Rashtriya* or the *Agrani* or both of them put together were mentioned.

One of them, the Special Report, was required under Statutory Rules to be furnished to officers mentioned in that rule. The Commission can see no reason why the principal architect of the conspiracy, which the editor or proprietor of the *Agrani* or the *Hindu Rashtriya* was, should have been omitted in that document. The other two documents though not required under any statutory rule were submitted to the highest in the land and one cannot imagine that they would not contain all the information which was available on the 20th January, 1948.

- (19) The Commission does not think that the production of Ex. 244 which purports to be a direction given to the Delhi C.I.D., officers to search for certain persons whose descriptions are contained therein can make any difference as to the taking or non-taking of the document Ex. 5A to Bombay. That document is full of contradictions and appears to be worthless on the very face of it. Reference has also been made to another document, Appendix 'E' of the affidavit of the Delhi Inspector General of Police to the interrogative questionnaire issued to him by the Commission. This is an unsigned note of the Superintendent of Police, C.I.D., Delhi. It is undated and it is not indicated as to why this note was prepared, nor was it put to Rai Sahib Rikhikesh when he appeared as a witness. Besides, it has all the infirmities which have been pointed out in connection with Ex. 5A and has many more.

24.139 The Commission has, therefore, to balance the above evidence and to determine as to whether Ex. 5A was or was not taken to Bombay police officers by the Delhi Police officers and the information therein contained given to Mr. Nagarvala. The Commission cannot overlook the fact that in support of Ex. 5A there are the police case diaries No. 1, 3 and 4-B which presumably were written on the dates they purport to have been written although even Mr. A.N. Bhatia, the then Superintendent of Police of New Delhi has cast doubts on Ex.3-A and 4-B having been written in Bombay. His statement was that they must have been written in Delhi and could not have been written in Bombay. And Mr. Rana in Ex. 30 dated April 15, 1948 when the matter must have been fresh in his mind had said Madanlal had made no statement upto 21st January.

24.140 At the same time the Commission cannot lose sight of the importance of the three documents—(a) Ex. 84, 84-A and 84-B; (b) Ex. 7-A, 7B; and (c) Ex. 10-A. These documents have been collectively described as three documents. They are of undoubted authenticity and they are so important that one finds it difficult to see why information of such great importance as the mention of the editor and proprietor of the *Agrani* or the *Hindu Rashtriya* (*Rashtra*) should have been omitted therefrom. There is also the oral evidence of Inspector

Dasondha Singh that he did give an Urdu copy of the first statement of Madanlal and the statement of Mr. R. N. Bannerjee which tends to the same conclusion.

24.141 And what is of the utmost importance is the fact that Ex. 5A contains many facts which are not contained in Ex. 6, the statement alleged to be made on the 20th January, but find a place in Ex. 1, the fuller statement of Madanlal made on 24th January and by then, according to Delhi Police case, Ex. 5A had been flown to Bombay and brought back. This fact is wholly destructive of Ex. 5A being a precis of the first statement of Madanlal or its having been taken by Deputy Superintendent Jaswant Singh to Bombay when he flew to that place on January 21 or having been brought back on the 24th.

24.142 From all this it cannot be held to be proved that the document Ex. 5A was in existence on 21st January or was taken to Bombay; or to put it more simply, that any information in regard to the editor and proprietor of the Marathi newspaper the *Agrani* or *Hindu Rashtriya* was conveyed to Bombay Police by Jaswant Singh and Balkishan.

CHAPTER XXV

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CHAPTER XXV

A

INVESTIGATION IN BOMBAY

25.1 In considering the investigation or inquiry by Bombay Police, the following facts have to be kept in view.

25.2 The information by Professor Jain was given to Mr. Morarji Desai on the 21st which he passed on to Mr. Nagarvala in the evening the same day and Mr. Nagarvala alerted his contacts and informers. Godse and Apte returned to Bombay on the 23rd January evening and stayed in various hotels under assumed names and left for Delhi by the Air-India plane on the 27th morning. During this period they went to Thana to hold confabulations with Karkare and Gopal Godse at the house of G.M. Joshi, and at the railway station platform. Therefore, they were in Bombay for about three and a half days. V.R. Karkare reached Thana from Delhi on the morning of the 26th and left Bombay Central for Delhi by the Frontier Mail on the 27th. According to evidence, he was in Greater Bombay for three hours. The rest of the time he was most probably at Joshi's house at Thana. Gopal Godse, after leaving Delhi on the 21st morning, went straight to Poona and was there excepting for a visit to Thana and Bombay for a short time in between. Evidence shows that he was in Greater Bombay for about 6 hours. Badge and Kistayya left Delhi on the 20th and went straight to Poona reaching there on the 22nd and they never returned to Greater Bombay of their own accord. When judging the performance of the Bombay Police, these facts have to be taken into consideration.

25.3 In between the period from 22nd to the 30th two things happened. Two Delhi police officers came to arrest Karkare and to seek the aid of Mr. Nagarvala. It is controversial between Delhi police and Bombay police as to what information they had and what information they gave. There is no doubt that they knew about Karkare because they wanted to arrest him. The police diaries are vague in regard to the information they gave to Mr. Nagarvala except that they handed over to him Ex. 5A of which a note was kept by Mr. Nagarvala which fact is denied by Mr. Nagarvala. The second fact is that Mr. U.H. Rana reached Bombay on the 27th evening. He had with him the fuller statement of Madanlal, Ex. 1, which amongst other things made mention of the proprietor of the "Hindu Rashtriya" as one of the conspirators. Both Mr. Rana and Mr. Nagarvala say that Mr. Nagarvala did not read this statement. To say the least, this was rather a surprising conduct because if Mr. Nagarvala was even making an inquiry, the information which was contained in Ex. 1 should have been of the greatest importance to him.

Information given to Mr. Nagarvala by Morarji Desai

25.4 What information was conveyed to Mr. Nagarvala, the Deputy Commissioner of Police of Bombay, by Mr. Morarji Desai must necessarily depend upon what information he himself got from Professor

Jain and on what information Professor Jain in his turn received from Madanlal.

25.5 Professor Jain was P.W. 67 at the trial and what Madanlal told him was deposed to by him in the trial court and before the Commission when he appeared as witness No. 27. Professor Jain in court said that Madanlal had told him that the Seth, named Karkare, was financing him, that a party had been formed at Ahmednagar which also Karkare was financing and that that party was collecting arms and ammunition which had been dumped in a jungle. He also told him that Vir Savarkar knowing about his exploits had called him, patted him on his back and had said, "carry on"; and that it was that party which had plotted against the life of Mahatma Gandhi.

25.6 Before the Commission, Professor Jain's statement on this point was that Madanlal had told him that there was a conspiracy to murder and when he (Prof. Jain) asked him who was to be murdered, Madanlal named Mahatma Gandhi which left him flabbergasted. He also told him that Karkare was financing the party which had been formed at Ahmednagar and a dump of arms and ammunition had been collected and hidden in a jungle but Madanlal could not say where that jungle was as he was taken there blindfolded. Madanlal further told him that he was going to throw a bomb which would cause a confusion and Gandhiji would be overpowered.

25.7 Evidence given both by Prof. Jain and by Mr. Morarji Desai as to the information given by Madanlal to Prof. Jain and by Prof. Jain to Mr. Morarji Desai. As said above they have given their respective accounts before the Court at the trial and before the Commission.

25.8 Prof. Jain in Court said that he met Mr. B.G. Kher at the Secretariat and then the Home Minister Mr. Morarji Desai. "I then told them everything what I knew about Madanlal". Before the Commission his statement was that he saw Mr. Kher in his office and narrated the whole thing to him. Then Mr. Kher left and put him (Jain) in contact with Mr. Morarji Desai the Home Minister. "Mr. Morarji Desai listened to my story. I suggested to him that as Madanlal had been arrested, I should be sent to Delhi to talk to Madanlal and then I would try to get the whole story from him.....I told him that excepting Karkare, Madanlal had not given me any other names. Madanlal had said that he did not know other names.....Madanlal disclosed to me that there was a place where the arms had been kept and the place was guarded by some Sikh, a man having a beard..... Madanlal had also told me that he was taken to that place blindfolded. I narrated all this to Mr. Morarji Desai". He added that he realised that the man must have been Badge because he looked like a Sikh.

25.9 Mr. Morarji Desai at the trial stated as P.W. 78 that at about 4.00 P.M. on 21st January, 1948 Mr. Kher sent for him and introduced him to Prof. Jain. Prof. Jain then told him his story. He said that Madanlal had left Bombay for Delhi about 3 or 4 days before the explosion: that before leaving for Delhi Madanlal had discussions with him and had told him that he and his friends had decided to take the life of a great leader. When pressed, he gave the name of Mahatma

Gandhi. He also named Karkare as the person with whom he was working at Ahmednagar. Jain further said that Madanlal had told him about his visit to Savarkar and also that there was a dump of arms and ammunition and explosives at Ahmednagar, and that some explosives were stored at Poona. Prof. Jain further said that Madanlal had told him that he and his companions were going to Delhi to achieve their objective. After hearing this narrative Mr. Morarji Desai called Nagarvala but he could not come immediately and at the Central Railway Station the same evening at 8.15 he gave the whole narrative to Nagarvala and asked him to arrest Karkare and to keep a close watch on Savarkar's house. He met Sardar Patel at Ahmedabad the following day and gave him the information which Jain had conveyed to him.

25.10 Before this Commission Mr. Morarji Desai was witness No. 96. His statement was the same because his statement in court was admitted and made a part of his testimony before the Commission. He also said that he was anxious to give the information to Sardar Patel and specifically went to Ahmedabad for the purpose, as also because Sardar had to lay the foundation stone of some building.

25.11 To Nagarvala Mr. Desai gave the whole story but did not ask him to arrest Savarkar because there was no evidence against him. "I had a very strong feeling", he said, "that Savarkar was behind the conspiracy and that is the reason why I asked his house to be particularly watched". Mr. Morarji Desai considered the story of Jain to be genuine. Jain was in a nervous state because he was feeling guilty in his mind that he had not informed the authorities earlier. "If Prof. Jain had told us earlier it would have been easy for us to have trailed Madanlal, Karkare and Savarkar and from that it was possible to find the others". Prof. Jain did not say anything about the intentions of these persons to kidnap Mahatma Gandhi and so the first time that they came to know about the kidnapping theory was when the police officers were asked to give their explanations in November, 1949 after the strictures passed by Judge Atma Charan.

25.12 Thus, we have the whole story of what Madanlal told Prof. Jain and what Prof. Jain related to Mr. Morarji Desai who in turn gave the whole story to Nagarvala.

25.13 It was argued by Mr. Kotwal that if these were the facts, i.e. Madanlal and Karkare were from Ahmednagar, dump of arms was also at Ahmednagar, the proper person to be informed of these facts and proper person who should have been asked to take action would be Mr. Kamte, the Inspector General of Police and not Mr. Nagarvala because Mr. Kamte's jurisdiction extended over the whole of the Province of Bombay and Mr. Nagarvala's was confined to only within the City of Bombay and because Mr. Nagarvala could not have taken any action in regard to the conspiracy which was formed outside the city of Bombay i.e. at Ahmednagar. Further, Mr. Morarji Desai had put fetters on Mr. Nagarvala not to disclose these facts to other officers and he himself did not disclose to Nagarvala the name of his informant. But this argument loses sight of the fact that there was the name of Savarkar who was at the base of the whole conspiracy and Mr. Morarji Desai had a strong feeling that Savarkar was behind the conspiracy and that was the reason why he asked Savarkar's house to be